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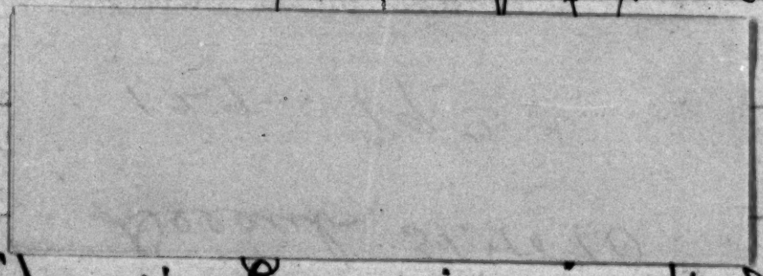
No. 129.

Legation of the United States.
Tokio, Japan, July 7, 1890.

DEPARTMENT OF STATE
AUG 6 1890
RECEIVED

Mr. Swift
To the Secretary of State.



"Scott's Emulsion." H. S. J.'s
Minister for Foreign Affairs'
reply to the Secretary of State.

No. 129.

Legation of the United States,
Tokio, Japan, July 7, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inclose herewith a copy of a communication just received from Viscount Aoki, H. I. J. M's. Minister of State for Foreign Affairs, dated the 5th. instant, bearing upon the pending disagreement between the two governments in the question of the excise and license taxes collected upon the article of American production known as

"Kerosene

"Scott's Emulsion."

In my last despatch upon the subject, which was my No. 120, dated the 20th of May, I had the honor to inform you that, acting in obedience to your instruction of the 18th of March, your No. 89, I had notified the Imperial Government of the decision you had rendered upon the point in dispute by sending them a copy of it; and that, in doing so, I had, for reasons therein given, added no remark, comment nor suggestion of action. I at the same time gave you my reasons for thinking that they would in due time acquiesce in your construction of the Treaties in the "Scott's Emulsion" matter

matter by quietly rescinding the order exacting the imposts.

In other despatches, especially my No. 96, dated the 28th of February, I endeavored to make you acquainted with the condition of Japanese popular feeling, as gathered from the vernacular press, with respect to the action of the Government in levying the excise and in insisting upon its payment in spite of the protest of the United States; that the policy was characterized by the term "inflexible" and that, in my opinion, its adoption and enforcement tended to strengthen and popularize the present administration.

I may also mention that the last

fact that this particular manifesta-
tion of the "inflexible policy" was
lavished at the commencement of the
United States, confessedly the most
friendly, or at least the most tractable,
Power, in its relations with Japan,
did not seem to render the act any
the less popular. If I am correct
in my observations of the drift of
things, the "inflexible policy" is still
popular and likely to continue so.
Recent translations from native
newspapers show that the action of
the Government with respect to
"Lotto Emulsion" is made the basis
of several laudatory articles. H. I.
J. M's Ministers are specially com-
plimented for their firm and
spirited bearing towards foreign

Powers

Powers and, so far as I am able to judge, appear to be gaining quite as much credit for clapping a heavy tax on an article of American production as if the blow had been levelled at the trade of Great Britain or Germany.

It was my opinion when I last wrote you that the Government, having submitted the entire question to the Department of State at Washington, as it appeared to me they had clearly and distinctly done they could not logically avoid submitting to that decision when rendered, though it was adverse to their construction. In this I was manifestly wrong and now have the honor to acknowledge my

Ont

may occur. It is quite manifest that they entertain too much fear and that the "inflexible policy" will be adhered to, at least so far as American productions and especially "Scott's Emulsion" are concerned.

I repeat my regret expressed both to H. E. Viscount Aoki and to yourself, that our commerce was selected for the invidious distinction of what seems to me to be a distinctly new departure in treaty construction.

In the conversation I had a short time ago with the German Minister, I was informed that that gentleman entertained no fears that the principle would be extended

intended in practice so as to injure German trade, as he had been assured that no such purpose was entertained by H.M.'s Government.

In removing the discussion from Paris to Washington, as appears to be the purpose of H. M.'s Government, I trust a speedy and satisfactory conclusion may be arrived at. In the meantime I have the honor to await your further instructions.

I have the honor to be

Sir,

Your obedient servant,

John K. Turpin

Enclosure.

Enclosure:

Viscount Asquith to Mr. Asquith, July 5.

Enclosure with Mr. Swift's No. 129.

(Copy)

Translation.

No. 16. Department of Foreign Affairs,
Tokio, the 5th day, of the 7th
month, the 23rd year of Meiji.
(July 5, 1890.)

His Excellency,

John F. Swift,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Sir:

I hage the honor to acknowledge the receipt of Your Excellency's Note of the 28th of April last, enclosing by instruction, the copy of a Despatch from the Honorable the Secretary of State of the United States in continuation of the subject of the right of His Imperial Majesty's Government under existing laws, to impose license fees and internal taxes in respect of an imported American medical preparation known as "Scott's Emulsion."

I find it impossible after an attentive consideration of the observations contained in that Despatch, to share entirely the conclusions therein expressed. I have consequently in the usual course instructed His Imperial Majesty's Chargé d'Affaires at Washington to communicate the further views of the Imperial Government on the subject to the Honorable the Secretary of State.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) VISCOUNT SIUZO AOKI,
H.I.J.M's. Minister for Foreign Affairs.

Mr Rockhill

DIPLOMATIC BUREAU

DEPARTMENT OF STATE
AUG 6 1890
RECEIVED

No. 130.

Legation of the United States.
Tokio Japan, July 8, 1890.

Mr Swift.

To the Secretary of State.

Subject:

Accounts for the quarter ended June 30, 1890.

No. 130.

Legation of the United States.
Tokio Japan, July 8, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir.

I have the honor to enclose herewith statements of my accounts for the quarter ended June 30, 1890 as follows:

Account for salary:
Account for contingent expenses with abstract and vouchers:
Account for loss by Exchange with Exchange vouchers duly signed by myself and by the Manager of the Chartered Bank

of India, Australia and China, Yokohama, who purchased my drafts.

I also enclose a statement of the passports issued by me during the half year ended June 30, 1890.

I have the honor to be
Sir,
Your obedient servant,
John F. Swift

Enclosures:
Statements of accounts and
Statement of passports issued
as above.

Desp.
Mr. Blackburn

DIPLOMATIC BUREAU

DEPARTMENT OF STATE
AUG 6 1890
RECEIVED.

Legation of the United States.
Tokio Japan, July 10, 1890.

Mr. Dun

To the Secretary of State.

Subject:
Accounts for the quarter ended
June 30, 1890.

Legation of the United States,
Tokio Japan, July 10, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose, herewith, statements of my accounts for salary and loss by Exchange for the quarter ended June 30, 1890.

I have the honor to be
Sir,
Your obedient servant
Edwin Dun
Secretary of Legation

Enclosures. Statements of accounts as above.

Wm. Heckscher

DIPLOMATIC BUREAU

1890

Legation of the United States,
Tokio, Japan, July 14, 1890.

DEPARTMENT OF STATE
AUG 6 1890
RECEIVED

Mr. Gardiner
To the Secretary of State.

Subject:
Accounts - Salary and Loss by Exchange.

Legation of the United States.
Tokio, Japan. July 14, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith my Salary Account and my Account for Loss by Exchange, with vouchers, for the quarter ended June 30th.

I have the honor to be,
Sir,
Your obedient servant,
W. P. Gardiner, Jr.
Second Secretary of Legation.

Enclosures: Accounts as above.

Mr Blackburn

DIPLOMATIC BUREAU.

AUG 1890

DEPARTMENT OF STATE
AUG 6 1890
RECEIVED

United States Legation.

Tōkyō, Japan, July 15th 1890

W. N. Whitney, Interpreter of Legation
To the Secretary of State.

Subject-

Salary account for quarter ended
June 30th 1890.

United States Legation

Tokyo Japan July 15th 1890.

Hon. James G. Blaine

Secretary of State

Washington.

Sir:

Herewith I have the honor to enclose a statement of my salary account for the quarter ended June 30th 1890.

I have the honor to be,

Sir,

Your obedient servant

Willis Norton Whitney

Interpreter of Legation.

Enclosure. Statement of Salary account for quarter ended June 30th 1890.

Sup. Wm Kreckhoffer

DIPLOMATIC BUREAU.

AUG 1890

DEPARTMENT OF STATE
AUG 6 1890
RECEIVED

United States Legation
Tokyo Japan July 16 1890

W. N. Whitney Interpreter of Legation
To the Secretary of State

Subject.
Loss by Exchange accounts
October 1st 89 to June 30th 1890

United States Legation

Tokyo Japan July 14th 1890.

Hon. James G. Blaine

Secretary of State

Washington.

Sir:

Herewith I have the honor to enclose my statements of account for loss by Exchange for the quarters ended Dec. 31st 1889, March 31st 1890 and June 30th 1890. with the necessary vouchers except for the last quarter of 1889 the vouchers for which I have written to the buyer of the drafts, the New York agency of the Yokohama Specie Bank No 7 Warren St N.Y. to forward to the Department of State at once upon receipt of the sealed letter herewith enclosed in care of the Department for transmission Hence.

I have the honor to be, Sir,

Your obedient Servant

Wilbur Norton Wheeler

Interpreter of Legation

Enclosures are above.

Mr Fraser
Mr Kirkpatrick

DIPLOMA

AUG 21 1

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED.

Legation of the United States
Tokio Japan, July 10, 1890.

Mr. Dun.
To the Secretary of State.

Subject:
Duplicate statements of accounts
for the quarter Ended June 30, 1890

Legation of the United States.
Tokio Japan, July 20, 1890.

Hon. James G. Blaine,
Secretary of State
Washington D.C.

Sir:

I have the honor to enclose herewith, duplicate statements of my accounts for salary and for loss by Exchange for the quarter ended June 30, 1890.

I have the honor to be
Sir,
Your obedient-servant
Edwin Dun
Secretary of Legation.

Enclosures.

Duplicate Statements of accounts as above.

Mr Taylor

Acknowledged Sept. 2/90. Marker

DIPLOMATIC BUREAU

SEP 1 1890

No. 131

Legation of the United States.
Tokio Japan. July 21. 1890.

DEPT OF STATE
20 1890
RECEIVED

Mr Swift:
To the Secretary of State

Subject:
"Scotts Emulsion," points in new treaty propositions bearing thereon.

No. 131.

Legation of the United States.
Tokio Japan, July 21, 1890.

Hon. James G. Blaine,
Secretary of State.
Washington D.C.

Sir.

I find that in my statement of points and arguments in behalf of the position of the United States in the disagreement with H. I. J. M's. Government with respect to the Excise tax levied on 'Scott's Emulsion' I have omitted to cite the stipulations on the same subject contained in the new treaty signed between the two Governments at Tokio, Feby 20th 1869. These same stipulations

stipulations, word for word, are, of course, in the project now offered by Japan to all the Powers. In as much as the dispute has been transferred to Washington it is possible that I may still be in time to make the suggestion for your use should you continue the discussion any further with the Japanese Chargé d'Affaires. The stipulations to which I call your attention, and which are almost conclusive of the question as it seems to me, are contained in Articles V. and VII. of the new treaty project: Section VII. repeats in very nearly the same words, and certainly in words of the same meaning, the stipulations of the present

present or existing treaty. viz that American goods imported into Japan upon which the duty has been paid, may be conveyed to any place in Japan and shall not be subject to any additional tax, Excise or transit-duty whatever. At the same time and along with this, Article V, especially provides in terms that Japan in case she should impose internal taxes on Saki, shoyu, miso or tobacco, shall have the right to levy a compensatory tax on the same articles imported into Japan so as to Equalize them. If Japan has this right now why is it specially provided for in the new treaty?

In

I think it almost certain that your own attention will be called to the point; that is to say, if the discussion should require serious consideration which I doubt, yet as it were my duty to have made the point in my former despatches I do so now with an apology for the ~~in~~ a liberty I have taken in so doing.

I have the honor to be

Sir

Your obedient servant,

James F. Smith

DIPLOMATIC BU.

AUG 21 1890

Mr Sayles
Mr. Kirkham

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED.

Legation of the United States.
Tokio, Japan, July 28, 1890

Mr. Gardiner
To the Secretary of State.

Subject:
Duplicate Accounts for Quarter
ended June 30, 1890.

Legation of the United States.
Tokio, Japan, July 23, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith duplicate statements of my salary and loss-by-exchange accounts for the quarter ended June 30, 1890, the originals of which were forwarded by the last mail.

I have the honor to be,
Sir,
Your obedient servant,
W. P. Gardiner.
Second Secretary of Legation.

Enclosures: Accounts (duplicate) as above.

DIPLOMATIC BUREAU
File
SEP 1 1890

No. 132.

Legation of the United States.
Tokio Japan, July 23. 1890.

Mr. Swift:
To the Secretary of State.

Subject:
Civil Codes of Japan promulgated.

No. 132.

Legation of the United States.
Tokio Japan, July 23. 1890.

Hon. James G. Blaine,
Secretary of State.
Washington D.C.

Sir.

I have the honor to inform you that since my last dispatch on the subject this Imperial Majesty the Emperor has by Imperial Decree promulgated the remainder of the Codes that have been so long in course of preparation by M. Boissonade de Fontarabie. Namely: the "Constitution of the Empire" "Law Courts," promulgated

April

April 8, 1890: the "Commercial Code," promulgated March 27, 1890: the "Code of Civil Procedure," promulgated March 27, 1890: and the "Civil Code" promulgated March 27, 1890.

The Decrees of promulgation provide, however, that they are not to take effect immediately but as follows:-

"Constitution of the Law Courts" November 1. 1890.

"Commercial Code" January 1. 1891.

"Code of Civil Procedure" April 1. 1891.

"Civil Code" January 1. 1893.

In as much as the operation of these proposed laws is postponed for a considerable period I delayed informing

informing you of the decrees, thinking that I could obtain and forward along with the information, English translations of them. For some reason which has not been explained to me, the translation of the laws into English has not been as rapid as was expected, and copies are not to be had in as much as English is the general language in use among the foreign population in Japan and about the sole means of communication between foreigners of various nationalities and largely used between foreigners and Japanese, it is to be regretted that-

that the work are most expeditiously transfined into the tongue which for many years to come must for most practical purposes be the one in which they will be operated.

I will forward to you English translations of the proposed laws of Japan as soon as they can be had.

I have the honor to be

Sir,

Your obedient servant,

Jabez T. Swift

Mr Moore
Mr Taylor

DIPLOMATIC BUREAU.

No. 122. SEP 1 1890

✓ Acknowledge Sept 3/90. Mahon.

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED

Legation of the United States.
Tokio, Japan, July 23, 1890.

Mr. Adee
To the Secretary of State.

Subject:
Treaty Revision between England and Japan.

Synopsis:-
Why England desires Tariff & Customs Duties to remain as in proposed Treaty of 1889 — Arranged by British Authorities for British benefit — U. S. the loser — Commerce heavily taxed.

No. 133

Legation of the United States,
Tokio, Japan, July 23, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

Your despatch No. 85, dated the 19th. ultimo, inclosing for my information copies of correspondence relating to the proposed revision of treaty stipulations between Great Britain and Japan, which has taken place between the Japanese Minister of State for Foreign Affairs and Her Britannic Majesty's Representative at Tokio; also of a communication from Lord Salisbury

to

to Sir Julian Pauncefote, a letter from Sir Julian to yourself and your reply thereto, reached me on the 13th instant. I shall give them my careful and immediate attention to the end that I may be able to comprehend and carry out such instructions as you may think proper to send me.

Without desiring to anticipate the ultimate views you will yourself doubtless hereafter reach on an examination of the entire question in all its bearings, I deem it not out of place for me to mention to you that my attention has been especially attracted to certain points of the instruction of Lord Salisbury to Sir Julian Pauncefote and I invite

invite your to notice the same.

While expressing, in view of the peculiar action of the Japanese Government in frequently receding from previous offers, some doubt as to the policy of reopening negotiations, His Lordship goes on to add that "Her Majesty's Government "agrees with that of Japan in "deprecating the abandonment of "all that has been effected in the "way of agreement on other points." It is to this expression that I especially direct your attention.

I have, from the first, thought the Treaty proposed by Japan to the Foreign Powers in December, 1888, and signed by the United States Representative at Tokio February 20, 1889,

1889. favored British at the expense of American commerce with Japan. The stipulations in the main Treaty, with regard to commerce, shipping and navigation, to the chartering of vessels for the existing trade, the regulation of light-house dues, as well as the supplements to the Treaty, relating to trade regulations, Government-bonded-warehouses and storage charges, are all greatly helpful and tend to strengthen the already established commercial and shipping supremacy of Great Britain in this part of the world. I can therefore readily understand that H. B. M's. Government would be likely to deprecate the abandonment

abandonment of them.

But it is in the proposed Tariff of Customs Duties that British interests have been most carefully and thoughtfully looked after and conserved.

In my despatch No. 40, dated August 26, 1889, although at that time only very imperfectly acquainted with the facts, I had the honor to point out to you the reasons why, in my opinion, Great Britain would be well satisfied with the commercial position given her by that Treaty and to predict that she would, in the end, agree to and sign it. I was at that time aware that the signature of the United States Plenipotentiary had been appended

to

to it practically as it came from the Japanese Foreign Office, without alteration or amendment. But I was not then aware, as I have become since, that the Tariff of the Customs Duties was practically the work of Mr. Hawkins, one of H. B. M's Secretaries of Legation and one of the ablest diplomatists in that excellent service.

As for the general commercial, navigation, wharfing, clauses of the Treaty, I do not venture to say that they are calculated to benefit one Power more than another. Under existing conditions Great Britain is pretty sure to be the largest beneficiary of any measure tending to more

trade

trade and navigation free and especially anything which removes any portion of the expenses of commerce from the shoulders of the merchants and ship-owners and transfers it elsewhere.

Lord Salisbury suggests little or nothing to the commercial part of the treaty with the exception of a protocol providing for a system of private bonded warehouses. I do not undertake to dispute that private bonded warehouses in Japan might benefit not only British trade but the merchants of all nationalities engaged in importing goods into the country. It is in the Tariff schedule that I venture to suggest that British interests have been

cared

cared for at the expense of those of the United States. The jurisdictional clauses which seem to have been the chief end of the Japanese negotiators, and to obtain which they appear to have been willing, at least for the moment, to yield everything else, were drafted at H. B. M.'s Foreign Office, while the commercial, navigation, tariff and warehousing clauses, which may have been intended as a quid pro quo, to induce the Powers to surrender the extraterritorial consular jurisdiction, came almost direct from the British Legation.

Lord Salisbury says that the proposal was made to the Powers in December, 1888. This seems probable, for

for on the 20th of that month the Representative of the United States "called" to Washington urging upon his Government the importance of immediate, favorable action. "It "is very desirable," he said at the end of a message of 300 words, "that "we conclude the Treaty immediately; "otherwise some other Power may lead." A question if the "lead" in such a Treaty was as important as it was then thought to be. But on the same day he was instructed to sign the Treaty.

In my No. 40, above referred to, I made some comparison between the duties placed by the new Treaty upon leading articles of British production sold in Japan in the year

year 1888, and those of the United States with the same year. This I did to exemplify what I thought to be a pronounced discrimination against our trade.

The Japanese Trade Returns for the year 1889 are now published. From these I find that the fact still persists as in 1888, that the United States is far in advance of all other countries as a purchaser of Japanese productions. We remain her best customer. We bought of Japanese commodities last year of the value of $25,282,873.66 against purchases by Great Britain of only $7,664,599.17; but we are still far behind in selling goods in return. About 75 per cent. of our purchases

purchases must be paid for in cash. The contrast with British trade in this respect is very marked. She sold Japan in 1889, in round numbers, $36,000,000 worth of goods to which must be added $7,000,000 worth more bought of British India, not to mention the commerce of other of her colonies and dependencies. After an examination of the Trade Returns for the year 1889, I find that the objections I made in my despatch No. 40 to the proposed Tariff are fully confirmed by the report of the trade for another year. To put these objections in as brief and succinct a form as possible, they lie mainly in the circumstance that as to all

the

the leading articles of British production that find a market in Japan, the duties under the Tariff will either be removed altogether, rendering them free at the Custom Houses, or they will be favored by lower rates of duty than will be placed upon the leading and principal commodities which American merchants are able to find a market for in Japan. The average rate of customs duties upon British importations will be in the neighborhood of 6½ or 7 per cent. ad valorem, while the average duty upon American goods will be not far from twice as much, or, speaking in a general way, - nearer 12½ or 13½ per cent.

The

the Tariff Schedule, the abandonment of which H. B. M's Government so earnestly deprecates, furnishes no instance of the free-listing or even reduction below the present 5 per cent. ad valorem duties, as to any article holding an important place in the relatively small export trade the United States is able to maintain with Japan. On the contrary, all our principal productions are to be subjected, in the Tariff list, to an advance of from 100 to 200 per cent. of duty.

British India sold to Japan, in 1889, $300,000 worth of gunny-bags, a value closely approximating that reached by American classes. British gunny-bags now pay, like everything

everything else, 35 per cent. ad valorem. By the proposed tariff they are placed on the free-list and are to pay nothing. All the bags come from British India. Nearly all the cloves and matches come from the United States and they are the second largest item in the American trade to Japan, rising last year to the grand aggregate of $374,000 worth, and being out-ranked only by kerosene oil. These articles will be dutiable, in the new Tariff, 10 per cent. for cloves and 20 per cent. for matches. The entire British sale of cloves last year footed up to a little over $1,000, and the matches to about $5,000, all told. In 1889

Japan

Japan imported from the United Kingdom, cotton yarn of the value of $6,284,328.46, a sum, by the way, curiously approximating the entire importations of the year from the United States which were, all told, precisely $6,143,171.10

But an additional item unfortunately in the same column presents another curious coincidence of a third row of nine figures with a 9 at the beginning. British India sold Japan, in 1899, $6,294,627.12 worth of the same article, cotton yarn. If the United States sold to Japan a trace of cotton yarn that year, I am unable to find it in the annual, Official Trade Returns. Cotton yarn, under this

prepared Tariff which was accepted and signed by cablegram instructions flashed here and - forth two-thirds of the way round the world for fear some other Power would get the "lead." is to pay an ad valorem duty of 5 per cent.

In 1889 our merchants sent to Japan over $2,05, worth of sole-leather. In the same year British merchants sent of the same commodity about $1,200. worth. The duty on sole-leather, under the new Tariff, will be increased to 10 per cent. ad - valorem.

In 1889, British merchants sent to Japan $295, worth

of

of plate- and sheet-iron, while American merchants sold none at all. The duty on plate- and sheet-iron, under the new Tariff, is to be 7½ per cent.

British merchants, during the year 1889, sold to Japan steam-vessels of the value of $1,076,864.00. They now pay 5 per cent. ad valorem. The new Tariff, the abandonment of which Lord Salisbury deprecates, proposes to relieve them of 40 per cent. of this burden by reducing the Tariff to 3 per cent. Steam boilers and engines, of which Great Britain in 1889 sold to Japan $578,864.00 worth, are to be dutiable at 4 per cent. only, a reduction of 20 per cent. on an

article

article almost exclusively of British production, at least in this manner. American sales of these articles, in comparison with the sales of British, are quite inconsiderable in amount.

To the discrimination made in the new Tariff against Kerosene oil, I had the honor to call your attention in my dispatch No. 40, above mentioned. We sold of this commodity to Japan, in 1889, the value of $3,783,193.88 constituting considerably over one-half of all we did sell. Lord Salisbury, inferentially, claims it to have been agreed that Kerosene oil shall pay a duty of 15 per cent. ad valorem, —

considerably

considerably more than double the average rate charged British goods taken as a whole. And from this proposed agreement, we are given to understand H. B. M's. Government deprecate any change. His Lordship, in effect, deprecates the abandonment of a Tariff that will make a dollar's worth of revenue oil pay as much revenue into the Japanese treasury as a dollar-and-fifty-cents' worth of British mouse-traps and gimlets, about as much as two-dollar's worth of British and British-Indian cotton yarn; as much as five dollars' worth of British built steam vessels and more than all the gunny bags India can turn out in an infinity of time.

The

The uniformity with which, in the proposed Tariff, important British articles are favored at the expense of American productions is too complete to admit of a doubt that it has been the result of intelligent design. It seems to have been ingeniously arranged so as to furnish Japan the maximum of revenue at the minimum expense to British commerce; and at the same time it is elaborated with the manifest purpose of preventing the development through incidental protection of such manufactures in Japan as are of leading importance to Great Britain, such as her cotton and woolen fabrics and iron and steel

steel and articles produced from them.

That the protective principle only alarmed the Tariff makers where British interests were likely to be jeopardized is manifest from the 15 per cent. to be levied upon carriages, wagons and wheeled vehicles and 20 per cent. on watches, in neither of which lines do British manufacturers compete.

That another state, namely China, was delivered up as a sacrifice to the joint but somewhat irreconcilable requirements of British trade and Japanese revenue, I had the honor to mention to you last year. A considerable amount of revenue, under the proposed

supplement

agreement, the abandonment of which is so deprecated, is to be raised by a 20 per cent. duty upon sugar, which, to that extent, is to the interest of Manchester and Birmingham.

But with the discrimination against China, of course we have nothing to do. To the extent, however, that American interests are to be set aside or unfairly dealt with, should you find such to be the case, I have no doubt you will, in due time, adopt such a policy as will secure the just rights of our commerce and vindicate the position and prestige of the country, in the accomplishment of which result I shall most willingly

willingly assist by carrying out, to the best of my ability, all of your instructions.

I have the honor to be,

Sir,

Your obedient servant,

John A. Swift

DIPLOMATIC BUREAU.

AUG 21 1890

Mr Foster
Mr Rockhill

No 134.

Legation of the United States.
Tokio Japan July 24 1890.

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED.

Mr Swift.
To the Secretary of State.

Subject:
Duplicate Statements of
Accounts for the quarter
Ended June 30. 1890.

No. 134.

Legation of the United States.
Tokio Japan, July 24. 1890.

Hon. James G. Blaine.
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose herewith, duplicate statements of my accounts for the quarter ended June 30. 1890. The originals of which were enclosed with my No. 130. of the 8th instant.

I have the honor to be
Sir.
Your obedient servant.
John F. Swift

Enclosures:
As above

Clerk's to file

File

Mr Taylor

DIPLOMATIC BUREAU.

AUG 21 1890

No. 135.

Legation of the United States.
Tokio Japan July 24. 1890.

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED.

Mr. Swift.
To the Secretary of State.

Subject.
Receipt of instructions.

No. 136.

Legation of the United States.
Tokio Japan, July 24, 1870.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir:

I have the honor to acknowledge the receipt of your instructions numbered respectively from 71 to 85, both inclusive, and your instruction marked "Separate" dated May 31, 1870.

I have the honor to be
Sir,
Your obedient servant,
John F. Swift

DIPLOMATIC BUREAU.

AUG 21 1890

Mr Taylor
Mr Scanlan

No. 136.

Legation of the United States,
Tokio Japan, July 24. 1890.

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED

To Treasury
Aug 28/90
Phelps

Mr Swift.
To the Secretary of State.

Subject.
Foreign Trade of Japan
from 1868 to 1889, inclusive.

No. 136.

Legation of the United States.
Tokio Japan, July 24. 1890.

Hon. James G. Blaine.
Secretary of State
Washington D.C.

Sir:

I have the honor to enclose, under separate cover, two copies of the "Returns of the Foreign Trade of Japan for the Twenty Two Years from 1868 to 1889 inclusive."

I have the honor to be
Sir
Your obedient servant.
Jonathan Smith

Enclosure.
Separate. Trade returns as above.

Mr Taylor

DIPLOMATIC BUREAU
AUG 21 1890

No. 137.

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED.

Legation of the United States.
Tokio Japan, July 24, 1890.

To Treasury
Aug 28/90
Chief

Mr. Swift,
To the Secretary of State.

Subject:
Statistics of Japan, in
French.

No. 137.

Legation of the United States.
Tokio Japan, July 24. 1890.

Hon. James G. Blaine
Secretary of State
Washington D.C.

Sir:

I have the honor to enclose, under separate cover, two copies of the "Résumé Statistique de L'Empire Du Japon," issued by the Bureau of Statistics of the Imperial Cabinet of Japan.

I have the honor to be
Sir.
Your obedient servant.
Lewis Tappl

Enclosure
Separate, as above.

War for Sec Treasury

Mr Taylor

DIPLOMATIC BUREAU.

AUG 21 1890

No 138.

Legation of the United States.

Tokio, Japan, July 24. 1890.

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED

√ D. War + Treasury
Aug 22/90
Phelps

Mr. Swift.

To the Secretary of State.

Subject.

Reports of the Sanitary Bureau of Japan 1884— 1887.

No. 138.

Legation of the United States.
Tokio Japan, July 24. 1890.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose, under separate cover, two copies of "A Summary of the four Annual "Reports of the Central Sanitary Bureau, "attached to the Home Department of "the Imperial Japanese Government, "from 1884 to 1887.

I have the honor to be
Sir,
Your obedient servant,
Joseph T. Hartt

Enclosure. Separate as above.

To Treasury also

DIPLOMATIC BUREAU.

AUG 21 1890

Mr. Taylor
Mr. Scudamore

No. 139.

Legation of the United States.
Tokio Japan, July 24. 1890.

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED

To Treasury Aug 28/90 Philip

Mr. Swift:
To the Secretary of State.

Subject:
Monthly returns of the foreign trade of Japan, January to June 1890. inclusive.

No. 139.

Legation of the United States.
Tokio Japan, July 24, 1890.

Hon. James G. Blaine,
Secretary of State
Washington D.C.

Sir:

I have the honor to enclose, under separate Cover, duplicate copies of the "Monthly Return of the "Foreign Trade of the Empire of Japan" for January, February, March, April, May and June 1890.

I have the honor to be
Sir,
Your obedient-servant-
John A. Lord

Enclosure:
Separate, As above

on short paper Mr Taylor

2d ASSISTANT SECRETARY.
To Treasury Hall offices.
So ack. a&s
AUG 22 1890

No. 140.

AUG 22 1890

Legation of the United States.
Tokio Japan. July 25. 1890.

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED.

To Treasury
Aug 23/90
ack'd
Aug 25/90
Philips

Mr. Swift.
To the Secretary of State.

Subject;
Cholera at Nagasaki, Regulations for inspection of vessels enforced in respect to vessels touching that port.

No. 140.

Legation of the United States,
Tokio Japan, July 25. 1890.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose, herewith, for your information a copy of a communication from His Excellency, Viscount Aoki, H.I. J. M's. Minister for Foreign Affairs, dated July 8, 1890, informing me that cholera had appeared at the port of Nagasaki, Japan and adjacent districts, and that in order to prevent its spread to other parts of this Empire the

Imperial

Imperial Government had deemed it necessary to enforce at certain ports, named in His Excellency's communication, the "Regulations "for the Inspection of Vessels arriving "from Localities Infected with "Cholera," which were promulgated by Decree No. 31, of the 15th Year of Meiji (1882.), in respect to vessels arriving at those ports, either direct or through intermediate ports, after having left or touched the Port of Nagasaki, and that H. I. J. M's Minister for Home Affairs had issued Notification No. 22, dated July 7, 1890, to that effect, and Notification No 23, of same date, directing where vessels should undergo medical inspection.

Translation

2. Translation copies of said Notifications
3. I enclose herewith.

Considering the urgent necessity of the measure for the welfare and protection of Japanese subjects and foreign residents alike, His Excellency the Minister for Foreign Affairs requested me to take, at once, the necessary steps to secure the observance of the said Regulations by citizens of the United States and vessels flying the flag of the United States.

In compliance with the request of His Excellency I, at once, addressed a letter, a copy
4. of which I enclose herewith, to C.R. Greathouse Esq. Consul General of the United States at Kanagawa,

Enclosing

enclosing to him a copy of Viscount Aoki's note and its enclosures, and directing him and through him the Consuls of the United States in Japan, to enforce the said Regulations and Notifications of H.I.J. Mis. Government by proper action and proceedings, and to arrest, try and punish all citizens of the United States, or other persons subject to the jurisdiction thereof, guilty of violating the same, and also to give notice by publication in the local news-papers or otherwise, as he might deem most effective, that the said Regulations and Notifications would be Enforced from that date until further Notice.

Mr

In view of the doubt as to whether the laws of the United States, the Common and other laws recited in Sec. 4086, U.S. R.S. as governing citizens of the United States in Japan, furnish appropriate and sufficient remedies to meet the exigencies of the case, in my communication to Mr. Greathouse, I added a decree and regulation by virtue of the authority invested in Ministers of the United States by said Section in such cases, making a failure to obey said regulations and notifications a misdemeanor and punishable accordingly, to which I beg to refer you.

I also addressed a note to

Rear

Rear Admiral George E. Belknap.
Commander-in-Chief, U.S. Naval Force,
Asiatic Station, conveying to him
the wishes of H.I.J.M's Government
relative to this matter and enclosing
to him a copy of Viscount Aoki's
note and its Enclosures.

I have the honor to be
Sir
Your obedient-servant.
John F. Swift

Enclosures:

1. Viscount Aoki to Mr Swift: July 8. 1890.
2. Notification No. 22.
3. Notification No. 23.
4. Mr Swift to Mr Greathouse, July 9. 1890.

Enclosure (1.) with Mr. Swift's No. 140.

Translation copy.

No. 17. Department for Foreign Affairs, Tokio,
the 8th day, the 7th month, the 23rd year
of Meiji (July 8th 1890).

His Excellency,

John F. Swift,

Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.

Sir:

I have the honor to inform Your Excellency that in view of the increasing spread of the cholera which has appeared at the port of Nagasaki and the adjacent districts, the Imperial Government have deemed it necessary, in order to prevent the spread of the disease to the other parts of the Empire, to enforce at the ports of Akamagaseki in Yamaguchi Prefecture, Kobe in Hiogo Prefecture, Yokohama in Kanagawa Prefecture, and Hakodate in Hokkaido, the "Regulations for the Inspection "of Vessels arriving from Localities infected with Cholera," which were promulgated by Decree No. 31 of the 15th year of Meiji, in respect to vessels arriving at those ports, either direct or through intermediate ports, after having left or touched the port of Nagasaki, and that the Minister for Home Affairs has issued Notification No. 22 to that effect, the copy and translation of which I have the honor to enclose herewith.

Considering the urgent necessity of the measure for the welfare

welfare and protection of both Japanese subjects and foreign residents, I deem it my duty to request you to take at once the necessary steps to secure the observance of the said Regulations by all the persons and vessels of your nationality.

I beg to add that vessels arriving at Kobe, Osaka and Hiogo will be subject to medical inspection at Wadanomiseki in the Province of Settsu, Hiogo Prefecture, and those arriveing at Yokohama and Tokio, at Nagaura in the Province of Sagami, Kanagawa Prefecture, as stated in the enclosed copy and translation of Notification No. 23.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed) Viscount SIUZO AOKI,

Minister for Foreign Affairs.

Enclosure (2) with Mr. Swift's No. 140.

(Copy)

Translation.

NOTIFICATION NO. 22.

--o--

In view of the increasing spread of the Cholera which has appeared at the port of Nagasaki and the adjacent districts, it is hereby notified that all vessels arriving at the under mentioned ports, either direct or through intermediate ports, after having left or touched the port of Nagasaki, will be subjected to medical inspection in conformity with the "Regulations for the Inspection of Vessels arriving from Localities infected with Cholera," which were promulgated by Decree No. 31 in the 6th month of the 15th year of Meiji.

The port of Akamagaseki, Yamaguchi Prefecture.

The port of Kobe, Hiogo Prefecture.

The port of Yokohama, Kanagawa Prefecture.

The port of Hakodate, Hokkaido.

COUNT SAIGO TSUGUMICHI,

Minister for Home Affairs.

The 7th day, the 7th Month,

the 23rd year of Meiji.

Enclosure (3) with Mr. Swift's No. 140.

(Copy)

Translation.

NOTIFICATION NO. 23.

--o--

Whereas certain vessels are required to undergo medical inspection by virtue of Notification No. 22 of this date, it is hereby notified that vessels arriving at Kobe, Hiogo, and Osaka will be subjected to such inspection at Wadanomisaki in the Province of Settsu, Hiogo Prefecture, and vessels arriving at Yokohama and Tokio, at Nagaura in the Province of Sagami Kanagawa Prefecture.

COUNT SAIGO TSUGUMICHI,

Minister for Home Affairs.

The 7th day, the 7th month,

the 23rd year of Meiji.

Enclosure (4) with Mr. Swift's No. 140.

Copy.

No. 71. Legation of the United States,

Tokio, July 9, 1890.

C. R. Greathous Esq.

United States Consul General, Kanagawa (Yokohama).

Sir:

I have to enclose for your information a copy of a Note which I have received from His Excellency, Viscount Aoki, H. I.J.M's, Minister for Foreign Affairs, stating that in view of the increasing spread of cholera which has appeared at the port of Nagasaki and adjacent districts, the Imperial Government have deemed it necessary to prevent the spread of the disease to other parts of the Empire of Japan, to enforce at the ports of Amagasaki in Yamaguchi Prefecture, Kobe in Hiogo Prefecture, Yokohama in Kanagawa Prefecture and Hakodate in Hokkaido, the "Regulations for the Inspection of Vessels "arriving from Localities Infected with Cholera", which were promulgated by Decree No. 31 of the 15th year of Meiji, in respect to vessels arriving at those ports, direct or through intermediate ports, after having left or touched the port of Nagasaki.

I enclose herewith translation copy of Notification No. 22, dated July 7, 1890, issued by H.I.J.M's Minister for Home Affairs to the foregoing effect and translation copy of Notification No. 23, dated July 7, 1890, from the same Minister directing where certain vessels will be required to undergo

medical

medical inspection in compliance with Notification No. 22.

In compliance with the request of H.I.J.M's. Government, the Consul General, Consuls and Consular Officers of the United States exercising judicial functions in Japan are hereby authorized and required to enforce such Regulations and Notifications by proper action and proceedings and to arrest, try and punish all citizens of the United States or other persons subject to the jurisdiction thereof, for violating the same. Any violation of any such Regulation by any such citizen or person shall be deemed a misdemeanor to be tried and punished by the United States Consular Courts as in case of other misdemeanors committed by such citizen or person in Japan.

You are directed to give notice by publication in the local newspapers or otherwise, as you may deem most effective, that the said Regulations and Notifications will be enforced from this date until further notice and that the Commanders, Masters and Officers of vessels flying the flag of the United States and persons subject to the jurisdiction thereof will be required to conform to the said Regulations and Notifications.

You are also directed to instruct, at the earliest moment possible, the Consuls of the United States in Japan to enforce the above mentioned Regulations and Notifications of H.I.J.M's. Government in respect to all the above mentioned persons.

I am, Sir,

Your obedient servant,

JOHN F. SWIFT.

Enclosures:

Enclosures:

Viscount Aoki to Mr. Swift, July 8, 1890.

Notification No. 22, Dept. of Home Affairs.

Notification No. 23, Dept. of Home Affairs.

AGENT LINEN W.S.& B.

Mr Taylor
Mr Kiernan

DIPLOMATIC BUREAU.

AUG 21 1890

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED.

United States Legation
Tokyō, Japan, July 26th 1890.

W. N. Whitney, Interpreter of Legation.
To the Secretary of State

Subject.

Duplicate Statements of account for Loss by Exchange during the fiscal year ended June 30th 1890.

United States Legation

Tokyō Japan July 26th 1890.

Hon. James G. Blaine,

Secretary of State,

Washington.

Sir

I have the honor to enclose herewith duplicate statements of my accounts for loss by exchange on salary drafts for the fiscal year ended June 30th last, the originals of which were sent by last mail.

I also enclose a letter addressed to the Agent of the Yokohama Specie Bank No 7 Warren St. New York city containing a duplicate voucher for the sale of drafts effected through that agency last year, which voucher is to be returned to the Department properly certified for filing with these accounts as in case of the original account sent last mail.

I have the honor to be, Sir

Your obedient servant

William Morton Wheeler

Interpreter of Legation

inclosures as above

Mr Hanna
Mr Kiernan

AUG 21 1890

DEPARTMENT OF STATE
AUG 20 1890
RECEIVED

United States Legation
Tokyo Japan July 26th 90.

M. H. Whitney Interpreter of Legation
To the Secretary of State

Subject:
Duplicate accounts for quarter ended
June 30th 1890.

United States Legation

Tokyo. Japan July 26, 1890

Hon. Jas. G. Blaine

Secretary of State

Washington

Sir:

Herewith I have the honor to enclose my duplicate statement of salary account. the original of which was sent to the Department by last mail

I have the honor to be,

Sir,

Your obedient servant

Willis Hunter Whitney

Interpreter of Legation

Enclosure Duplicate statement of salary account for quarter ended June 30th 1890.

Mr Taylor

Mr Uhler

DIPLOMATIC

AUG28 1890

DEPARTMENT OF STATE
AUG 28 1890
RECEIVED.

No. 141.

Legation of the United States.

Tokio Japan, August 1. 1890.

Enclosure #2 to Asst. Interior for Supt. Eleventh Census, Sept. 1st 1890 - Mosher

Mr. Swift.

To the Secretary of State.

Subject:

Financial information for the use of the Superintendent of the Eleventh Census of the United States.

No. 141.

Legation of the United States
Tokio Japan, Aug. 1. 1890.

Hon. James G. Blaine.
Secretary of State.
Washington D.C.

Sir:

Referring to the Departments circular instruction of August 2. 1889, directing me to obtain certain financial information from the Government to which I am accredited for the use of the Superintendent of the Eleventh Census of the United States, and to your instruction No. 86, dated June 28. 1890, directing my attention to the above mentioned

Circular

circular instruction and instructing me to renew the request of the United States for the informations therein specified, I now have the honor to enclose herewith a copy of a note, dated May 2, 1890, from Viscount Aoki, H. I. J. Mis. Minister for Foreign Affairs, enclosing to me a specially prepared document containing the desired information, from H. I. J. Mis. Department of Finance; which was prepared on account of the difficulty of properly filling up the spaces in the blank schedules which I had transmitted from the Department. I have the honor to enclose the said document herewith.

I am

In explanation of the long delay in transmitting this information, I regret to say that owing to the confusion attending the removal of the records from the old to the new Legation premises, the document in question was mislaid and could not be found until a few days since.

I have the honor to be

Sir,

Your obedient servant.

John T. Swift

Enclosures:

1. Viscount Aoki to Mr. Swift; May 2, 1890.

2. Document containing financial information

Enclosure 1, with Mr. Swift's No. 141.

Translation copy.

No. 14. Department for Foreign Affairs, Tokio,
the 2nd day, the 5th month, the 23rd,
year of Meiji (May 2, 1890.)

His Excellency,

John F. Swift,

Envoy Extraordinary and Minister Plenipotentiary of
the United States of America.

Sir:

I have the honor to acknowledge the receipt of Your Excellency's Note dated the 3rd of September, 1889, in which you request me to obtain certain information concerning financial matters of the Imperial Government for the years 1880 to 1889, inclusive, to be used in the compilation of the Eleventh Census of the United States and to cause the blanks enclosed therewith to be filled.

Having referred the matter immediately to the Department of Finance, I have now the honor to enclose herewith a document specially prepared on account of the difficulty of filling the blanks as desired.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) Viscount SIUZO AOKI,
Minister for Foreign Affairs.

Mr Taylor

DEPARTMENT OF STATE
AUG 28 1890
RECEIVED.

2d ASSISTANT SECRETARY.
Copy to the Secretary
Aug 29, 1890
AUG 29 1890

Acknowledge
Sept. 1/90. Hosker.

No. 142.

Legation of the United States.
Tokio Japan. August 5, 1890

Mr. Swift:-
To the Secretary of State.

DIPLOMATIC BUREAU,
AUG 29 1890

Subject:-
Improved state of feeling towards foreigners in Japan.
The inadvisability of insisting upon the immediate opening of Japan by treaty stipulation.

No. 142.

Legation of the United States
Tokio Japan. August 5, 1890.

Hon. James G. Blaine.
Secretary of State.
Washington D.C.

Sir:

I am pleased to be able to advise you that since my last communication upon the subject of the supposed attitude of the Japanese people towards foreign residents, and especially within the last three months, there has been a decided change for the better. The state of uneasiness and distrust which pervaded the foreign community,

Especially

Especially the missionary and teaching class, when I last wrote upon the subject has substantially disappeared and has been replaced by one of friendly confidence — apparently as complete and satisfactory as existed before the regrettable events which — occurred at the End of last and the beginning of the present year.

The Elections for members of the Diet (the first under the Constitution) which took place the 1st of July and which had been looked forward to by the foreign community as likely to be accompanied with excitement and popular disturbance also involving a certain

degree

degree of danger to themselves as a class, have come off without incident worthy of note Except, perhaps, the remarkable absence of the thing feared. It is only the truth to record that the first general Election has taken place with a degree of order and quietness that would have been highly creditable to any country and hardly to be Exceeded in England or the United States.

It is difficult for a foreigner, no matter how long resident in Japan and it is quite impossible for me in the short time I have been here, to estimate with any certainty how

how much or how little anti-foreign feeling actually exists among the masses of the people. The belief which in the early part of the year prevailed to a considerable extent in foreign circles, that there did exist a current of anti-foreign feeling of a decidedly hostile and reactionary character, if not well founded was certainly not destitute of a color of probability. The frantic outburst against the treaty revision policy of the Imperial Government, culminating in the attack upon Count Okuma in October last and the forced abandonment of the treaty project, taken along with the alarming and, even, shocking occurrences

occurrences in Tokio of the early part of the present year were Enough to render foreigners dwelling in exposed situations anxious for the safety of themselves and families.

It is most gratifying to note the evidences of restored confidence among our countrymen, residents here, and to have reason to hope that it is firmly based upon genuine kindness and good feeling on the part of the Japanese people towards them.

I cannot too strongly keep before your mind the manifest fact that, as a rule, so far as I know without Exception, the prominent

prominent men of Japan, the Government officials, all in superior places in office and out, in fact every body of the classes ordinarily looked up to as leaders of opinion, are now as they have long been liberal and progressive in their ideas and aspirations that Japan shall occupy deservingly a high place among the enlightened Powers of the Earth. All of this class can be counted upon as being favorable to the residence of foreigners in the country and desirous of protecting them in their rights. And, if I may venture to express an opinion as to the feeling of the mass of

the

the middle class people, farmers, merchants, artizans and the like, it is not that they dislike foreigners so much as that they fear them as competitors. They look with a certain degree of dread that the man of the European race will, if allowed to do as he pleases and to have the freedom of the country, somehow overrun the land and carry every thing before him and put the Japanese under his feet. That this vague undefined fear, pervading the middle class Japanese, is one of the difficulties, perhaps the greatest difficulty, with which the Educated and progressive leaders of thought and Especially

the

the rulers of Japan have to contend in throwing open the country to the rest of the world seems to me highly probable. This feeling is strongest in Tokio, the center of education and intelligence. It prevails, if at all, only in a slight degree in the interior. But there are reasons for thinking it to be always latent in the popular mind everywhere and easily called into activity. The thought will readily and at once suggest itself to your mind that this feeling of interested fear, this dread of material disadvantages or loss will, if worked upon, in practice soon and naturally develop into

a

a hatred of the most intense and dangerous character. It is this fact that, in my opinion, should cause foreign Powers to reflect and hesitate in demanding the immediate and unqualified opening of the country to residence, trade and property occupation. In fact I have already intimated to you in former dispatches that, in my opinion, the process of throwing Japan open generally to foreigners ought to be entered upon and carried out only with the greatest caution. For foreign Powers to insist upon its being done at once and by treaty is to take upon themselves, and upon Japan risks not likely

to

to be accompanied by any
corresponding benefit- and
which may involve both parties
in a common disaster of more
or less gravity.

The trade of Japan with
foreign countries would not
be materially increased by
permitting foreigners to have
the freedom of the interior.
But whatever advantage, if
any, were to accrue to individ-
=ual foreigners by allowing
them to Establish themselves
throughout the country would,
in my opinion, accrue to
others than citizens of the
United States. Our merchants
would not participate.

There are good reasons for thinking that the only attempts to establish retailing enterprises in the interior would be made by Germans with, possibly, some English. It is almost certain that no American would attempt to engage in such trade outside of the new open ports.

That such establishments would create friction and arouse jealousy among the Japanese in like lines of trade, seems to me Exceedingly probable. Any additional ill feeling rising up in the interior would tend to render the situation of American Missionaries more difficult. For these and other reasons I cannot help thinking, that-

that the general throwing open of the country to indiscriminate occupation ought not to be exacted as the price of other concessions but ought to be left, at least to a considerable extent, to the statesmen and rulers of this country to do in their own way and at their own time.

That they will throw Japan open directly it is safe so to do seems to me in the highest degree probable. If I am correct in the opinion that the statesmen and rulers of Japan are as anxious to see the country thrown open as the foreign Powers can be to have it open and that they will do it voluntarily

the

the moment it can be done with safety, then I submit to you whether any western Power ought to insist upon it in advance of the voluntary act of the government which is surely the best judge of the proper time for this important step.

I have the honor to be

Sir.

Your obedient servant.

John F. Lamb

No. 148.

DIPLOMATIC BUREAU.
OCT 3 1890

DEPARTMENT OF STATE
AUG 28 1890
RECEIVED.

Mr Cridler

2D ASSISTANT SECRETARY.
Ack by No. & file.
OCT 3 1890

Legation of the United States,
Tokio, Japan, August 6. 1890.

Mr. Swift
To the Secretary of State.

Subject:
Treaty Revision.

Synopsis:
Lord Salisbury's Counter-Proposals.
- Tariff arranged for England —
About to accept Japan's Proposal —
Unfairness to America — Japan should
foster industry by Protection.

No. 142.

Legation of the United States,
Tokio, Japan, August 6, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

Referring to the counter Proposals for Treaty Revision, to be submitted to the Japanese Government on the part of Great Britain, as shown in the correspondence between yourself and Sir Julian Pauncefote, copies of which you transmitted to me with your No. 85, dated June 19, I now have the honor to make some suggestions touching the state of affairs in Japan and their bearing upon the negotiations above mentioned.

After

After carefully reading the letter of Lord Salisbury to Sir Julian and examining the counter-treaty and accompanying Protocol, I am led to suspect that H. B. M's Government have substantially determined to accept the Proposal of Japan and to practically surrender the extra-territorial privileges of British subjects and that about all that stands in the way of their coming at once to terms is the fourth proposed Modification offered by Japan in the Memorandum of the Foreign Office of February 6, 1890.

I doubt if that will delay the result very long. This is the same clause to which I especially called your attention in my despatch

despatch No. 93, dated February 21, 1890, transmitting the Memorandum to you.

Lord Salisbury sees in proposed Modification some a possible warning or threat of general measures against the whole community of foreigners.

Reference to my despatch of transmission No. 93, will show that I called your attention to the far-reaching result of that proposed Modification. I ventured to suggest that it might easily be construed to mean pretty much anything that the Japanese Government might deem proper to claim for it. But I added that, in my opinion, it reserves no more for

Japan

Japan, in direct terms, than the United States, by implication, & reserved in favor of her sovereign power in all her treaties with Christian states. But I suggested that it might be and probably was intended as a reserved power to Japan to delay opening the country completely to foreigners till such time as popular feeling is brought to acquiesce. I thought, when I wrote that despatch, that it was not at all certain that the Japanese Government could, with safety to itself or with either safety or advantage to the foreign community, at once, by abrupt decree, throw the country open in the widest sense of the term so as to place foreigners

On

on an equal footing with natives. When the country is opened to foreigners it should be done tentatively and cautiously and with due regard to the feeling and even the prejudices of the people. And the Japanese Government should resume the right to proceed in that way. But it should be done without ambiguity, in plain and unequivocal terms.

I beg to recall to your mind that during the summer and early autumn of 1869, Mr. Fraser, in behalf of Her Britannic Majesty, was engaged in negotiating with Count Okuma for a revised Treaty. The United States, Germany and Russia had already signed Treaties substantially alike.

alive. The British Plenipotentiary was understood to have been holding out for better commercial privileges including private bonded warehouses and for a more definite recognition, in the "Diplomatic Notes", of the right of British subjects when defendants or accused, to have foreign judges try the questions of fact as well as of law, concerning which point, you will remember, there was some doubt. But at the time of the change of Government at Tokio, these questions had been practically agreed upon and it is understood that Great Britain was ready to sign the Treaty. Had this formality been proceeded with, it is probable the Treaty Revision would then have been

been completed substantially in accordance with the provisions of Japan as embodied in our own Treaty of February 20th. 1889.

In his letter to Sir J. Pauncefote, Lord Salisbury apparently gives up the claim for foreign judges to sit in Japanese Courts. But he proceeds to say that "if no special arrangements "are to be made for the protection "of Foreigners, etc., ordinary prudence "requires that the tribunals shall "have been in actual operation for "some little time, and their efficiency "tested by practical experience, etc., "before submitting our nationals to "them." But, as it seems to me, he conspicuously omits to suggest any plan by which Foreigners are to

to be protected from the risks and perils of these tribunals, should they, when tested for "some little time" - prove to be unsatisfactory. On the contrary, he seems to intend to surrender Consular Jurisdiction, no matter how the Courts may turn out when tested.

From all of this I infer that Lord Salisbury has discovered what pretty much everybody else; watching the situation, already strongly suspects, namely, that Japan, either wisely or foolishly has resolved at all hazards and at almost any price to get rid of Consular Jurisdiction. And he seems to have made up his mind to make the best of it, and to save to Great Britain as much commercial - advantage

advantage as possible out of the
wreck. I have reason to think
it likely that the British Minister
here has already presented the counter
project to H. I. J. M's. Government
and that it is now being considered
at the Foreign Office. The native
papers are now actively agitating the
subject of Treaty Revision, possibly
with the intention of pushing it to
the front as a question to be con-
sidered by the Diet at its meeting
in November. Some of the vernacular
journals maintain that in view of
the early setting of the Diet no
treaties ought to be negotiated without
first taking the opinion of that body.
There is good reason for thinking
that one of the leading subjects of
discussion

discussion in the new Legislature will be the foreign policy of the Government and that a revision of the Treaties, more or less sweeping in character, will be called for with considerable vehemence. Japanese politicians ——— in the press and everywhere, so far as I am able to judge, seem to be imbued with the notion that Consular jurisdiction is an inherent indignity and that to continue it is to submit to a national humiliation and disgrace.

The commercial and tariff Treaty restrictions do not seem to be regarded exactly in this light and Japan seems to be, at present, willing to postpone fiscal and commercial sovereignty for at least twelve years and, -

forcibly,

possibly, for an indefinite period, in order to force resident foreigners to submit themselves to her jurisdiction. That this feeling is largely sentimental, I have ventured to suggest in former despatches. Her sentiment is a too powerful motive in the world's affairs to be ignored with safety. That the sensitiveness of the Japanese about extraterritoriality will be utilized by European diplomacy to secure and maintain commercial advantages has always seemed to me to be exceedingly probable. The fact is, the European merchant residing at home who sends goods out to Japan for sale cares little or nothing about the extraterritorial privileges of his partner or agent residing

residing in Yokohama or Kobe. What he wants is a permanently low customs tariff, (if he can't have absolute free-trade) under which he can count upon regular business. Once convince him that a new Treaty is inevitable, but that he may have a tariff and navigation regulations fixed for a series of years to his mind, and he is quite ready to submit his resident agent or partner for trial in the Japanese Courts.

On the other hand, the resident foreign merchant, while he is very fond of his exemption from local jurisdiction, and likes to feel that he can't be seized by a native policeman and dragged before a native court, yet not expecting to be seized by any policeman

Policeman nor dragged before any court. He is far more interested in having a customs tariff adjusted to encourage foreign trade and keep down local industries that may interfere with it; and if he must give up either will prefer to surrender the ornamental exemption from local jurisdiction than the useful trade advantages. The commercial and shipping regulations and especially the customs tariff embodied in the proposition of the Japanese Government, now submitted, as I have mentioned to you in former dispatches, ought to be exceedingly satisfactory to European commerce, especially that of Great Britain.

So far as I am able to judge,

these

there is no reason for thinking that Japan is not at this moment, in all respects, quite as capable of regulating with practical wisdom and justice, her own commercial and fiscal affairs, as is the average foreign Christian state with which we have at this time treaties of friendship, commerce and navigation. There is no more likelihood that, if left to herself, she would suspend ordinary trade relations with foreign countries, either by direct exclusion, prohibitory tariffs or unjust trade regulations than that the United States would do so. On the other hand, it is by no means so clear that Japan has reached that stage in her progress that foreigners may in all

all cases safely submit themselves to the laws and the courts of the country. I do not think it will be contended by anyone capable of understanding the facts that either the laws or the administration of justice in Japan has anywhere nearly reached the state of perfection the same institutions have attained. I will not say in the principal but even in the average, perhaps in the most backward countries in Europe and America. But, while I have spoken thus freely of the undeveloped state of Japanese laws and courts, it does not follow that foreigners cannot live in Japan under them and live a reasonable degree of happiness and prosperity

prosperity. On the contrary, it is almost certain that, as a rule, they can and will do fine and prosper and that if Consular Jurisdiction comes to be abolished, a good many foreigners will succeed in doing both. And, further, it is probable that the exceptional cases where foreigners are judicially mistreated: should such exceptional cases occur, will give quite as much trouble to the Japanese Government as they will give to the Government of the individual who shall have the misfortune to constitute an exceptional case. It is manifest that the drift of Japanese Opinion tends strongly to a demand on the Western Powers for a complete —

restoration

restoration of sovereignty, with the abolition of Consular jurisdiction in the lead. If the Treaties are not revised before the Diet meets, as I mentioned before, Treaty Revision will almost certainly be made a leading question before that body. There is reason for thinking that the present Government are anxious to meet the assembled Diet with a Treaty concluded, at least, with Great Britain, and, if possible, with other Powers, in the lines of the Project suggested in the Memorandum of February 8, 1890.

It is not unlikely they may succeed in doing so with Great Britain, Germany and Russia. The Imperial Government will concentrate

every

every effort to win over Great-Britain. The United States have already served the purpose for which they were urged to sign the Treaty of February 20, 1880, and will probably not be again consulted till Great Britain and other Powers have been secured: I see no reason to think that Great Britain will not end by giving up Consular jurisdiction in exchange for a satisfactory tariff and other commercial advantages. The other European Powers stand ready to agree to whatever is satisfactory to Great-Britain. This will leave the United States, unless she promptly acquiesces, in a state of diplomatic isolation.

It is but fair, however, to say that

that it is not likely that there will be any difficulty in obtaining, if we wish it, satisfactory modifications of the present Project in the subject of real estate certainly and easily, and perhaps as to immigration, which, however, being a sensitive point and likely to touch patriotic susceptibilities, may not be so certain, nor so easy. But the tariff, if unsatisfactory to us, as agreed upon by Great Britain and Japan, will probably have to remain unsatisfactory unless indeed, Congress should be willing to retaliate by a special duty on Japanese tea, an effective weapon within easy reach, sufficient to restore our prestige.

It may not be out of place

at

at this point to call your attention to the somewhat infelicitous position into which, owing to a variety of circumstances, Japanese financial affairs seem to have drifted and out of which the selfishness of the great commercial powers is likely for some time to come, to stand if not to restrain their happy deliverance. Much of the difficulties under which Japan now suffers are not due in any sense to Consular jurisdiction. They by no means grow out of the circumstance that a few hundred foreign merchants, missionaries and teachers, when accused, are not required to defend themselves in the Courts of the country.

The troubles of Japan, or at least the most

most of these in the amelioration of which time is not an essential element, are financial and fiscal. It can hardly be said that Japan is seriously overtaxed, being, as she is, a nation of 39,000,000 people paying into the public treasury $75,000,000 a year, only. But it does certainly seem, and this is manifestly due to the combination of foreign, commercial Powers, — that the burden of taxation is not equitably distributed; nor — can it be until fiscal autonomy is restored to the country. Out of this $75,000,000 of annual revenue, the land tax produces $42,000,000. This, for the national treasury, in addition to local — requirements.

requirements. The foreign trade of the country, outgoing and incoming is $130,000,000 a year, yet the highest collections at the Custom House have never exceeded about $4,000,000. It certainly seems probable that an increased customs revenue, if wisely adjusted to that end, would not only relieve the overburdened farmer, but might furnish employment to idle labor, (of which the country has a great quantity), in the manufactures that would grow up under the incidental protection thus afforded.

I can't help thinking that Japan could and ought to manufacture much more than she does of the cotton cloth and yarn she uses

ness, of which Great Britain and her dependencies sold to her last year over $17,000,000 worth, paying at the Custom House a duty of only five per cent. ad valorem, - and on which, under the proposed - tariff Great Britain has taken care that she is to pay only 7 per cent. and 10 per cent., respectively. -

Though trade is always selfish, might it not be, after all, a wise and judicious selfishness, paying better in the long run, for the commercial Powers of Europe to let go the grip they have upon the present relatively small commerce of Japan and give it a chance to grow and develope till it shall become better worth dealing with?

But

But these are questions not for me to settle and, besides, there are many excellent people who hold quite contrary views from me upon every point I have named. Nor can I pretend to say that the opportunity for establishing manufactures under the incidental protection afforded by a judicious increase of Customs revenue intended primarily to relieve other interests of part of the burdens of Government as could be done were fiscal sovereignty restored, would be availed of by the statesmen and rulers of Japan. For anything I know to the contrary they may all be conscientious free-traders and might adjust the tariff and

revenue

revenue system in accordance with the most advanced theories of the late Mr. Cobden. It is certain that in the Treaty Project offered to Great Britain to which, in due time, the United States will be invited to agree, Kerosene oil and Sugar, both of which are necessaries and neither of which can be produced in the country, while Cotton and Woollen cloths are to get off with something like half that tax.

(are made dutiable at 15 and 20 per cent. ad valorem, respectively.)

But, if as I suspect to be the fact, that the proposed tariff was substantially made at the British Legation at Paris, and figures in the negotiations somewhat in the nature of a quid pro quo to the Commercial Powers for the surrender

of

of Consular jurisdiction, then this project may not represent the actual views of the Japanese Government as political economists; but they may be at the bottom at least incidental protectionists. But let the statesmen of Japan hold whatever economical or fiscal opinions they may, it can be depended upon that upon obtaining a restoration of jurisdictional sovereignty, the Japanese people will be greatly pleased. Just how long they will remain so however, it is not so easy to say. It is not unlikely that the financial strain will be materially relaxed. The slightly increased revenue from commerce to be raised under the new tariff for the next twelve years will

will not be sufficient to relieve agriculture of any part of its heavy load. All that comes of the increase will be speedily applied to existing wants too pressing to be denied, and the land tax will remain as high as ever. When this is discovered, and it must be discovered within the first twelve-month, how long will it be before there will be an agitation throughout Japan for a restoration of commercial and fiscal sovereignty and a fierce demand for a new tariff arrangement!

It seems to me that this must be so and that the anger against foreigners for keeping the finances of the country in fetters and for oppressing agriculture and industry

for

for their own benefit will be added to the old prejudices and antipathies and allowed to accumulate to the great disadvantage not only of Japan, but of mankind at large.

Whether or not the United States will suffer any disadvantage from the circumstance, if it be the fact, that Japan considers herself compelled to postpone for twelve years her fiscal independence in order to secure a restoration of jurisdictional sovereignty, is a question which I have no doubt you will in due time give all the consideration it may deserve.

I

I have the honor to be,

Sir,

Your obedient servant,

John T. Swift

Requisition for blanks
Mr Griffin Aug 29

Ans 8 Sept 90

M. Taylor

DIPLO...

AUG29 1890

DEPARTMENT OF STATE
AUG 28 1890
RECEIVED.

No 144.

Legation of the United States.
Tokio Japan. Aug 8. 1890

Mr Swift:
To the Secretary of State.

Subject:
Requisition for account-blanks.

No. 144.

Legation of the United States
Tokio Japan. Aug 8. 1890.

Hon James G. Blaine
Secretary of State,
Washington D.C.

Sir:

I have the honor to request that you will cause to be sent to this Legation a supply of salary account blanks. There is a sufficient supply of the other account blanks on hand to last for some time to come.

I have the honor to be
Sir,
Your obedient servant
John F. Swift

Mr Taylor

Key words for Release of papers

No. 145 - Aug 28. 1890 - Papers ordered from date to June 30/91

DEPARTMENT OF STATE
AUG 28 1890
RECEIVED

Acknowledged Aug 29/90 Marks J.

Legation of the United States.
Tokio Japan, Aug 8. 1890

DIPLOMATIC BUREAU.
AUG 29 1890

Mr. Swift.
To the Secretary of State.

Subject.
Requisition for two newspapers.

No. 145.

Legation of the United States.
Tokio Japan, Aug 8. 1890.

Hon. James G. Blaine.
Secretary of State.
Washington D.C.

Sir:

I have the honor to request that you will cause the San Francisco "Daily Chronicle" and the San Francisco "Daily "Evening Bulletin" to be sent to this Legation for one year

The subscription for news papers sent to me from June 1889 has expired.

I have the honor to be
Sir,
Your obedient servant.

James H. Wiley

DIPLOMATIC BUREAU.
SEP 23 1890

Mr Curtis

DEPARTMENT OF STATE
SEP 22 1890
RECEIVED.

TO ASSISTANT SECRETARY.
Ack as very interesting
aad
SEP 23 1890

24 Jan

No. 146.

Legation of the United States.
Tokio Japan, August 15, 1890.

Mr. Swift:
To the Secretary of State

Subject:
The elections for the first Japanese Diet:

No. 146.

Legation of the United States.
Tokio Japan, August 15, 1890.

Hon. James G. Blaine,
Secretary of State.
Washington, D. C.

Sir:

I have the honor to inform you that the elections for members of the Diet took place throughout Japan on the 1st of July last. In the Provinces and Capital alike, they passed off in the quietest and most orderly manner. I have delayed communicating the facts to you until now, with a view to give you reliable information as to the political complexion and

Character

character of the new Legislative body.

According to the "Law of Elections" persons registered as qualified Electors and desiring to vote, had to attend in person at the voting place. There, after identification by reference to the electoral list, each received a voting paper upon which he inscribed the name of the person he voted for, then his own name and residence, finally affixing his stamp. This paper the Elector placed in the ballot box with his own hands in the presence of the Headman of the district acting as manager and of from two to five witnesses previously selected.

The polling commenced at 7 o'clock AM, and at 6 o'clock P.M. was formally

formally declared closed. The ballot-boxes having been closed with two locks, — one by the Headman the other by the witnesses — were forwarded next-morning to the district-office of their respective localities.

As might, perhaps, have been foreseen there are, as yet, in Japan, no political parties in the sense the term is used in the United States. There are numerous political societies calling themselves parties, but which in the United States would rather be called "Clubs" than "parties." They are, as a rule, brought into Existence by some prominent and active politician and are, in fact, the following of his individual political views.

views. They act under his leadership and are generally recognized as his "party". This is the natural result of the political condition in Japan today. When the Diet meets and the living issues of the time come before that body for consideration, the present associations must, if Parliamentary government is to succeed, disappear, and parties, in the Western sense of the word, be formed for the purpose of carrying out principles and not the mere advancement of men.

The most complete returns attainable give the representation of the different parties in the Diet - as per the accompanying paper marked "Election Returns." In regard to the term "Independents" used

used in that paper, it should be explained that independence of political parties is alone referred to. Men are described as "Independents" who have hitherto refrained from publically avowing their allegiance to any political association. It is from members of this category that it is expected, the Government will receive its strongest support; as they have always held aloof from parties in opposition, it is supposed that their sympathies are, as a rule, with the authorities.

I enclose herewith a very ably written article from the "Japan Daily Mail" of August 12, entitled "Political Parties in the Diet", which says about all there is to be said at this time upon that subject.

As to the proposed alliance of the progressive parties spoken of in the latter part of that article, the following parties are referred to:-
The Daido party ("Party of Great Unions"), of which Count Goto, present Minister of Communications, is the leader, represented in the Diet by 54 members:
The Kaishinto ("Progressionists"), of which Count Okuma is the leader, represented in the Diet by 46 members:
The Aikokuko-to ("Patriotic Party"), of which Count Itagaki is the leader, represented in the Diet by 28 members: The Kyuchu Shimpo-to ("Society of Fellow Thinkers"), represented in the Diet by 13 members: The Tojin-to ("Radicals") of which Mr. Oi is the leader, with 17 members in

in the Diet: The Jiehi-to ("Party of Self Government") of which Count Inouye is the leader, represented in the Diet by 12, Members: and, the Kwin Club an offspring of the Daido, Aikokuko-to and Jiyuto parties, and represented in the Diet by 3 members.

An alliance between the parties named above could, in my opinion, not result in anything more than united action for a special object-/or, in other words, opposition to the Government as it is now constituted. Their political differences are too great ever to allow of amalgamation. Their oppositions to Each other has been, within the past

Year

Omit this page

year most bitter. The Daido and Jiyuto parties were the most bitter of Count Okumas opponents in his treaty revision project; in which he was most heartily supported by his own party, the Kenshin-to. Within the ranks of the parties named in connection with the proposed alliance are the elements which must on all important questions which will come up for discussion, array themselves in the Diet upon diametrically opposite sides. Such being the condition it would seem that the proposed alliance is an impossibility, as an alliance on — special questions or, for a special object, without amalgamation, is in direct

Contravention

Diet

Contravention of Article 28 of the "Law of Meetings and Political Associations", promulgated July 25, 1890, ~~Copy of which~~ I Enclose herewith.

The Diet is composed of three hundred members, of which Seventy held official positions, either local or in the central Government; thirty are farmers; Sixteen Lawyers; twelve journalists; Eight merchants; Eighteen district Headmen; Six bankers; four School teachers; two Physicians; and two had been priests. The occupations of the remaining one hundred and thirty are not given.

According to the Constitution of Japan, the House of Peers

Consists

Consists of five classes of members.

1st. Princes of the Blood who have attained their majority:

2nd Princes (not of the Blood) and Marquises who have reached the age of twenty five;

3rd " Counts, Viscounts and Barons, to the number of one fifth of those orders, who have attained the age of twenty five and shall have been Elected by their peers:

4th " Members appointed by the Emperor to the number of not more than the Noble members.

5th " One member Elected, and to be approved and nominated by the Emperor, in Each City and Prefecture, from among and by the fifteen male inhabitants

inhabitants of that City or Prefecture, who pay the highest amount of direct National taxes on land, industry or trade.

The members of this last Class, forty Six in number, were elected on the 10th of June 1890. Since then fifteen Counts, Seventy Viscounts and twenty Barons have been elected by their orders.

The Upper House consists, Exclusive of the Imperial family, of the following:-

Ten Princes and twenty one Marquises sitting by virtue of their titles: Fifteen Counts, Seventy Viscounts and twenty Barons, elected by their orders:

Forty

Forty six members elected from the Cities and Prefectures.

There remain to be appointed by the Emperor ninety members or a number equal to the whole number of the Noble members, less forty six the number elected from the Cities and Prefectures and appointed by the Sovereign.

The Upper House will, therefore, when complete consist of two hundred and seventy two members exclusive of the Princes of the Blood.

Only two of the present Cabinet, Count Matsukata and Viscount Aoki, were elected by their orders to seats in the Upper House. Count Ito, now out of office, was elected. Doubtless, Counts Okuma, Inouye, Yamagata

Yamagata, Yamada, Saigo and many others who have held, or are holding Cabinet Portfolios will be appointed by the Emperor. It was, probably, owing to the certainty of their appointment by the Sovereign that more of the men who have taken so prominent and active a part in the advancement of Japan, were not elected by their peers to seats in the Upper House.

I have the honor to be
Sir,
Your obedient servant
John T. Swift

Enclosures

Enclosures:-

1. "Election Returns."
2. Clipping from the "Japan Daily Mail" of August 12. 1890.
3. "Law of Meetings and Political Asseverations."

Enclosure 1.

"ELECTION RETURNS".

PARTIES represented in the Lower House of the Japanese Parliament.

INDEPENDENTS-------	95 members.	So called, but likely to amalgamate ultimately into the real Conservative party, possibly, something like the English Conservatives.

DAIDO-HA----------	54 members.	
AIKOKUKO-TO--------	28 "	
JIYU-TO-----------	17 "	These will inevitably amalgamate to form the Radical Party.
KYUSHU SHIMPO-TO---	13	
KOIN CLUB---------	3 "	
Various local factions--------	17 "	

KAISHIN-TO---------	46 members.	Originally moderate liberals. This party has no longer any raison d'etre. It is almost sure to break up, a portion going over to the Radical camp and a portion to the Conservatives mentioned above

---

JCHI-TO-----------	12 members.	This party has no raison d' etre and must drift into the Conservative camp.

Various local factions which must drift into the Conservative camp--- 15 members.

TOTAL number of members of Parliament-------- 300.

Could be balanced

Enclosure 2. with Mr. Swift's No. 146.

The Japan Daily Mail.

YOKOHAMA, TUESDAY, AUGUST 12, 1890.

POLITICAL PARTIES IN THE DIET.

WRITING under this heading, the *Kokumin-no-Tomo* of the 3rd instant reviews the position of the various political parties represented in the Diet. After reproducing statistical classifications of the members from four of the Tokyo daily papers, the *Hochi Shimbun*, the *Daido Shimbun*, the *Jiji Shimpo*, and the *Kokumin Shimbun*, our contemporary proceeds to observe that, much as these papers differ in respect of the numerical strength of the several parties in the Diet, men capable of judgment seem to agree in assigning the largest number to the so-called "Independents," who are followed in order by the *Daido-ha*, the *Kaishin-to*, and the *Aikoku-ko-to*. Thus of all the parties, the *Daido-ha* has obtained the largest number of members. That it has been able to secure so many is attributed by our contemporary to the extremely favourable circumstances under which it was brought into existence. It was organized on a very broad basis, and at a moment when the old *Jiyu-to* had for some time been dissolved, and the *Kaishin-to* was in a state of temporary torper. When, further, it is remembered that the avowed object of the party was to attack the clan system of Government, there is no wonder that it obtained the adhesion of all the politicians out of power and not belonging to the *Kaishin-to*. Thus the *Daido Danketsu*, as it was called before the breaking up of its ranks into three parties,—the *Aikoku-ko-to*, the resuscitated *Jiyu-to*, and the *Daido-ha*—extended its influence over a wide area. Owing chiefly to these circumstances the party succeeded in emerging from the late elections with much *éclat*, notwithstanding that its influence was weakened by the organization of the *Aikoku-ko-to* and the resuscitated *Jiyu-to*. Though numerically strong, the *Daido-ha*, as might be inferred from the manner in which it sprang into being, is not distinguished by any strong cohesion among the different elements composing it. Our contemporary divides these elements into three classes; first, the centre, which is composed of men more distinguished for audacity in changing with the changes of the times than for devotion to any particular cause or principle; secondly, the right wing, which contains men professing liberal principles; and thirdly, the left wing, which leans to conservatism. The *Kokumin-no-Tomo* admires the consummate skill of the centre in maintaining apparent harmony among these incongruous elements. The Tokyo journal, however, shares the common belief that the *Daido-ha* is not destined to retain long its present influence. The right wing may readily be detached by Count ITAGAKI if only he sees his way to assume an attitude of greater liberality, while it would be easy for Viscount TANI to obtain the adhesion of the left wing. Thus the only portion of the party likely to remain true to its leader will be the wary centre. Moreover, those members of the *Daido-ha* who are of the provinces of the North-east—and they form the majority of the party—are not, according to the view of the *Kokumin-no-Tomo*, by any means ardent in their attachment to Count GOTO; neither are they as ambitious of political distinction as the members of the centre. Our contemporary is persuaded to believe that, for the present at least, the members of the *Daido-ha* in the North-East will maintain an independent political organization of a liberal tendency after the fashion of the *Shimpo-to* of Kyushu. As yet, however, the *Daido-ha* may justly be proud of the number of gifted members in its ranks. Especially in political manœuvres its members are far ahead of even those among the *Kaishin-to* noted for their sagacity. In literary talent Mr. SUEHIRO JUKYO is most distinguished; in business capacity Mr. OYE TAKU; in political experience Mr. KONO HIRONAKA; in legal ability Mr. SUEMATSU (hitherto KOMYOJI) SABURO, and in boldness Mr. SUZUKI SHOJI. The Tokyo journal is sure that the members of the *Daido-ha* will distinguish themselves in the Diet more for skill in taking advantage of every turn of affairs than for constancy to any fixed policy. As to the resuscitated *Jiyu-to*, our contemporary observes that its influence in the Diet will be comparatively weak. But its members will not be disconcerted by this, as they have not been very solicitous of obtaining seats in the Legislature. The *Kokumin-no-Tomo*, however, thinks it a very lamentable fact that the leader of the party, Mr. OI KENTARO, was declared disqualified for sitting in the Diet. Among the members, the more celebrated are Messrs. NAKAE TOKUSUKE, formerly editor of the *Osaka Shinonome Shimbun*, SHIMAZU TADASADA, President

of the Nagano Prefectural Assembly, and ARAI SHOGO of the "Osaka Affair" fame. The party will be unable to wield any formidable influence in the Diet, but as an adjunct to some of the larger parties it is certainly not to be slighted. Its closest affinities will probably be with the *Aikoku-ko-to*, concerning the future prospects of which our contemporary seems to entertain a highly favourable opinion. Its numerical strength in the Diet is not as great as that of the *Daido-ha*, but it is far stronger than the latter in respect of cohesion and combination. Its distinctive characteristic is sincere devotion to its political creed. From this point of view, the actions of its representatives in the Diet may be too scrupulous and unbending, but they will never, the *Kokumin* predicts, be open to a charge of inconstancy or tergiversation. The courageous Mr. HAYASHI YUZO, the solid Mr. KATAOKA KENKICHI, the business-like Mr. TAKENOUCHI TSUNA, the logical Mr. UYEKI EMORI, and the experienced Mr. SUGITA are the more distinguished members. There is one circumstance, however, which our contemporary regrets for the sake of the party: namely, that the majority of its members are of Tosa origin. It has thus a somewhat exclusive appearance, and may on that account fail to find favour with the inhabitants of other localities. The Tokyo magazine recommends Count ITAGAKI and his followers to take suitable measures to obviate this unfavourable impression. With regard to the *Jichi-to*, the *Kokumin-no-Tomo* observes that it is not by any means strongly represented in the Diet. Some people believe that it will be led in the Lower House by Mr. MUTSU, and in the upper by Viscount AOKI. Our contemporary is of opinion that this party labours under three serious disadvantages; first its aristocratic associations; secondly its Choshu clan tendency, and thirdly, its "odour of silver" (love of money). It is not destined, we are told, to grow powerful, and our contemporary doubts very much whether a man of Mr. MUTSU'S penetration really contemplates identifying himself with such a party. The *Hoshu-to* and the *Kyushu Shimpo-to* are nearly equally represented in the Diet, and must not be over-looked in any forecast of the political situation, because they are both rich in talented members. Mr. KAWASHIMA JUN of Kagoshima, Mr. MATSUDA MASAHISA of Saga, and Mr. YAMADA BUHO of Kumamoto, are the most conspicuous members of the *Kyushu Shimpo-to*. The *Hoshu-to* can, on the other hand, boast of such distinguished names as those of Messrs. SUGIURA JUKO, OYAGI BIICHIRO, MOTODA HAJIME, and SASA TOMOFUSA. Our contemporary persists in calling these persons Conservatives, though some of them strongly object to the title. With reference to the *Kaishin-to*, the *Kokumin-no-Tomo* observes that its failure to obtain a majority, or at least the largest relative number of members in the Diet, is the more significant, as it has endeavoured ever since its first appearance to enlist the sympathies of men certain to possess the franchise. The cause of the failure is ascribed to its unfortunate record with regard to the question of Treaty Revision last year. It is to be regretted that men like Messrs. KOIZUKA RYU, TSUNODA SHIMPEI, KATO MASANOSUKE, SUNAGAWA YUSHUN, YAMADA ICHIRO, ICHISHIMA KENKICHI, and HADANO DENZABURO were defeated at the late elections. Further, whatever may have been the cause of his decision, it is to be sincerely regretted for the sake of the *Kaishin-to*, that Mr. YANO FUMIO has retired from political life. It is also unfortunate that Mr. HATOYAMA, who is reported—though incorrectly we (*Japan Mail*) believe—to have intimate connections with the *Kaishin-to*, was unable to obtain a seat in the Diet. Equally regrettable is the absence from the list of the elected of the name of Mr. KATO TAKAAKI, a confidential lieutenant of Count OKUMA, though it should be observed that he made no attempt to canvass. Still the *Kaishin-to*, with Messrs. SHIMADA SABURO, OZAKI YUKIO, FUJITA MOKICHI, and INUKAI KI at its head, is by no means an unimportant factor in the Diet. Its organization may appear to outsiders firm and strong, but those well acquainted with its affairs seem to doubt this, and even question whether it will be able to hold its different sections in the bonds of discipline in the Diet. Last year,

when the question of Treaty Revision was agitating the public mind, the two great organs of the party, the *Hochi Shimbun* and the *Mainichi Shimbun*, were observed to adopt different and conflicting lines of argument on some important points. For instance, when Count OKUMA endeavoured to conciliate Count ITO and his followers by promising that the judges of foreign origin mentioned in the Diplomatic Note should be naturalized in Japan, the *Hochi* supported its leader, while the *Mainichi* argued as if little or no importance attached to the naturalization proviso. However, the *Kokumin* hopes that the leaders of the party, taught by the experience of last year, may take precautions against a repetition of such fatal errors. As to the so-called "Independents," our contemporary ridicules the notion attributed to some of them, of forming themselves into a distinct party on an independent platform; for the "Independents," though spoken of as one class, are an extremely heterogeneous body, being composed of men of all kinds of political creeds, from extreme conservatism to extreme radicalism. Lastly, as to the proposed alliance of the progressive parties, the *Kokumin-no-Tomo* considers that the settlement of this question will decide the political situation for the present, at least since a union of all the parties would mean 173 votes in a House of 300. Many persons doubt whether the *Daidoha* will join the alliance, but, even excluding that party, and supposing that one-fourth of the "Independents" are won over, there still remain 135 votes, a formidable number when we consider that the rest of the House is divided into several separate parties. Our contemporary does not believe that the alliance, even if successfully formed, will last long; neither does it believe that the existing parties will long remain in their present condition. A time will come when entirely new parties with intelligible platforms will be formed out of the present associations, the latter being only provisional in their nature. At present, the best course for the progressive parties to adopt, in the opinion of the *Kokumin*, is union, for thus and thus alone will they be able to effect what they desire to accomplish in the coming Diet. Union, however, does not look at all as probable now as it did a fortnight ago.

Enclosure 3. with Mr. Swift's No. 146

The Japan Daily Mail.

YOKOHAMA, SATURDAY, AUGUST 2, 1890.

LAW OF MEETINGS AND POLITICAL ASSOCIATIONS.

LAW No. 53.

We hereby give our sanction to the present Regulations relating to the Law of Meetings and Political Associations (*Shukwai oyobi Seisha-ho*), and order the same to be promulgated.

(His Imperial Majesty's Sign-manual.)
(Great Seal.)

Dated July 25th, 1890.

(Countersigned)

Count YAMAGATA ARITOMO,
Minister President of State.

Count SAIGO TSUKUMICHI,
Minister of State for Home Affairs.

Article 1.—"Political Meetings" in this law mean meetings assembled in public for the delivery of leectures and the discussion of matters relating to politics, whatever such meetings may be called; "political associations" include all organized bodies with objects relating to politics, whatever names such associations may bear.

Article 2.—Each political meeting shall be arranged for by a projector.

When it has been decided to hold a meeting, the projector shall intimate the fact to the police station of the district where the place of meeting is, 48 hours before the opening of the meeting.

On such intimation being made the police station shall at once acknowledge its receipt of the same.

The place and date, the name of the projector of the meeting, as well as the names, residences and ages of the speaker or lecturers, shall be mentioned in the above letter of intimation (*todokesho*), and the signature and seal of the projector shall be affixed to the same.

The effect of the intimation (*todoke-ide*) shall cease, if the meeting be not opened within 3 hours after the period mentioned in the same.

Article 3.—No person other than adult male subjects of Japan in the possession of public rights (*koken*) can be the projector of a political meeting.

Article 4.—Soldiers of the army or seamen of the navy, on service, or with the first and second reserves when mobilized, police officials, instructors and students of Government, public and private schools, infants and women are not permitted to assemble in political meetings.

In the case of meetings which may be opened to make preparations for the election of members of an assembly organized by law, the restrictions of this article which shall not apply to those who have the right of electing or of being elected, during the thirty days which precede the date of voting.

Article 5.—No foreigner can speak or lecture in political meetings.

Article 6.—No political meeting can be held in the open air.

Article 7.—Should it be intended to assemble in public or to hold a procession in the open air, the projector of the same shall intimate the place of assembly, the date, and the road through which it is intended to pass, to the police station of the district, 48 hours beforehand and obtain permission for the same. This regulation shall not, however, apply to festivals, religious celebrations or clubs, the games of students or other occasions which are recognized by custom and usage.

Police stations may not give permission should injury to peace and order be apprehended.

Police stations may prohibit meetings and movements of crowds in the open air in any case, should the same be deemed injurious to peace and order.

Article 8.—No meeting or movement of a crowd (procession) in the open air is allowable during the time from the opening till the close of the Houses, within a radius of three miles of the Imperial Diet. The additional sentence of paragraph 1, Article 7, shall also be applied in the case of this Article.

Article 9.—A police station may detail constables in uniform who shall attend political meetings and regulate the same.

Projectors of political meetings shall supply to the police attending the meetings any seats demanded by them, and shall answer whatever questions relating to such meetings may be asked by them. The attendance and superintendence of the police referred to in the first paragraph of this article may take place in the case of meetings deemed to be injurious to peace and order.

Article 10.—No person can attend any assembly, carrying arms or lethal weapons. Persons who carry arms in accordance with regulations are, however, excepted.

Article 11.—No meetings are permitted to be held where speeches are delivered to shield criminals, or to protect or congratulate persons guilty under the criminal law, or persons *pendente lite* of a Criminal Court, or to instigate the commission of crime.

Article 12.—Police officers may challenge any who wilfully conduct themselves in a tumultuous or turbulent manner, and if such do not observe their orders may expel them from the hall.

Article 13.—Police officers may order the dissolution of a meeting in the following case:—

(1). When the existence of the meeting is a contravention of any of the provisions of this law.

(2). When Article 11 is contravened, or the meeting is deemed to be injurious to peace and order.

In the latter case the speech or discussion of a particular person may be suspended, without entirely suspending the proceedings.

(3). When the attendance of the police is opposed, or their seats are not provided at their request, or their questions are not answered.

(4). When the persons assembled are tumultuous, and do not become quiet when ordered to do so.

(5). When a number of persons contravene Articles 4 and 10 and do not observe the orders of the police to leave the hall.

Article 14.—Should political meetings be held without the communication mentioned in Article 2 being made, the projectors shall be punished by fines of not less than *yen* 10 and not more than *yen* 100; and the persons who lease the hall shall be similarly punished.

Article 15.—Should the information mentioned in Article 2 be false, projectors shall be punished as prescribed in the previous article.

Article 16.—Any person who contravenes Article 3, or who assembles in contravention of Article 4, and any projector who does not prohibit them from doing so, shall be punished by fines of not less than *yen* 2 and not more than *yen* 20.

The penalty on projectors who contravene Article 5 shall be similar to that in the last paragraph.

Projectors who cause persons prohibited from assembling in a political meeting, to so assemble by enticing or inducing them, shall be liable to punishment one degree heavier than that mentioned in paragraph 1 of this Article.

Article 17.—Projectors and speakers who contravene Article 6 shall be punished by minor imprisonment for not less than 11 days and not more than 6 months, or by fines of not less than *yen* 5 and not more than *yen* 50.

Article 18.—For contraventions of Article 7, projectors or instigators shall be punished by fines of not less than *yen* 10 and not more than *yen* 100.

Article 19.—For contraventions of Article 8, projectors and instigators shall be punished by minor imprisonment for not less than 11 days and not more than 6 months, or by fines of not less than *yen* 10 and not more than *yen* 100.

Article 20.—Contraventions of Article 10 shall be punished by minor imprisonment for not less than 11 days and not more than 6 months; projectors who fail to prohibit such contravention shall be similarly punished.

Article 21.—Contraventions of Article 11 shall be punished by fines of not less than *yen* 20 and not more than *yen* 200, or by minor imprisonment for not than 1 month and not more than 6 months.

Article 22.—Persons who refuse to leave a meeting when ordered to do so or who refuse to obey the orders of the police dissolving a meeting, shall be punished by minor imprisonment for not less than 11 days and not more than 6 months, or by fines of not less than 2 *yen* 20.

Article 23.—Political associations shall be controlled by officials (*yakunin*).

Each political association shall intimate its name, its officials, and members to the police station of the district where its office is situated, through the medium of its officials within three days after its formation. The same process is necessary when any change occurs in the matters to be reported as above.

Police stations shall at once intimate the receipt of the information above mentioned.

Officials shall answer whatever questions relating to the association the police may ask.

Article 24.—When a political association shall open a meeting for the delivery of political speeches, Article 2 shall be observed. Meetings held at fixed times, and the places and speakers of which are settled beforehand, need not be reported to the police when intimation has been made of the first meeting, always provided such intimation be made 48 hours before the first meeting. Should changes occur in the matters to be reported, Article 2 shall be observed.

Article 25.—Soldiers or seamen on service, or in the first or second reserve when the same are mobilized, police officials, instructors, and students of Government, public and private schools, infants, women, and males who do not possess public rights, may not become members of political associations.

Article 26.—Foreigners are prohibited from becoming members of political associations.

Article 27.—Political associations may not use marks or flags.

Article 28.—Political associations may not influence the public by issuing documents or sending deputies, or establish branch offices or combine and correspond with other political associations.

Article 29.—No political association is permitted to establish rules making members of any assembly organized by law responsible for their utterances or votes outside said assembly.

Article 30.—Should any political association be deemed injurious to peace and order the Minister of State for Home Affairs may suspend or prohibit it; should such association fail to dissolve when ordered, the offenders shall be punished by minor imprisonment for not less than 2 months and not more than 2 years, or by fines of not less than *yen* 20 and not more than *yen* 200.

Article 31.—Should the necessary report *(todokeide)* of a political association be omitted, or the questions of the police be not answered, in contravention of Article 23, the officials shall be punished by fines of not less than *yen* 10 and not more than *yen* 100.

Should the information mentioned in Article 23 be false, or a false answer be given to any question, punishment one degree heavier than that mentioned in the last paragraph shall be inflicted.

Article 32.—Persons who have become members of any political association, or officials who have caused them to do so, in contravention of Article 25, shall be punished by fines of not less than *yen* 2 and not more than *yen* 20.

Officials who contravene Article 26 shall be similarly punished.

Article 33.—Persons who use marks or flags, in contravention of Article 27, as well as officials of the association concerned, shall be punished by fines of not less than *yen* 2 and not more than *yen* 20.

Article 34.—For contraventions of Article 28 the offending officials or deputies shall be punished by minor imprisonment for not less than 1 month and not more than 1 year, or by fines of not less than *yen* 5 and not more than *yen* 50.

Article 35.—Persons who are actually officials of associations or projectors of meetings shall be conjointly responsible as officials or projectors, without respect to the name used, whether such name be that of one person or of several and other persons.

Article 36.—Offences against this law shall not be treated under the rule as to simultaneous offences (*susai guhatsu*).

Article 37.—The period of prescription for prosecutions under this law shall be 6 months.

Article 38.—Meetings regulated by laws and ordinances shall not be dealt with under this law.

No. 147.

2D ASSISTANT SECRETARY.
Ack by subject & file
SEP 23 1890

Mr. Coster

DIPLOMATIC BUREAU.
SEP 23 1890

DEPARTMENT OF STATE
SEP 22 1890
RECEIVED.

Legation of the United States.
Tokio, Japan, August 25, 1890.

Wm. Swift
To the Secretary of State.

Subject:
Treaty Revision.

Synopsis:
Enclosure of article from Japan Herald.
- Herald favors restoration of Japan's fiscal autonomy. — Bearing of Japan's press laws upon foreign journals in Japan and upon their fear of abolition of consular jurisdiction.

No. 147.

Legation of the United States,
Tokio, August 25th, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith, for your information, an editorial clipping from the daily Japan Herald of August 23rd., in which Treaty Revision is discussed. The article is in reply to a letter of Sir Edwin Arnold, published in the London Telegraph. My special reason for sending this excerpt is that I find, in my former despatches, I have given you to understand that the English newspapers of Yokohama,

of

of which there are three, all ably conducted, seemed disposed to suppress, or at least to keep in the background, the question of restoring to Japan her fiscal or tariff autonomy and to push to the front, as of paramount importance, that of consular jurisdiction.

Without going back to examine the records of the Legation, I think I have written to you to the effect that I knew of no case of such journal suggesting the impropriety or justice of Japan being allowed to make her own tariff of customs duties or that for her not to do so was, in any sense, humiliating to her as a nation or detrimental to the interests of her people.

people. And I think I suggested the desire to cherish British interests as the controlling motive in the part of such journals.

The article I enclose you shows that I have misunderstood and done injustice at least to the daily Herald, if not to the other English newspapers.

The letter from Sir Edwin Arnold to the Telegraph, to which this article is a reply, favors immediate and full revision of the treaties on the lines of complete and entire equality, jurisdictional and fiscal, of Japan with the Western Powers.

You will observe that the reply of the Herald correctly opposes the abolition of consular jurisdiction upon the long maintained and well

known

known ground of the incapacity of the Japanese, owing to defective laws and crude and imperfect judicial administration, to do justice to foreigners or protect their interests. But, while firmly maintaining this proposition, it declares unequivocally that tariff autonomy ought to be immediately restored to Japan. The language on the point is so clear and so well put that I am disposed to repeat its substance. The article refers to the treaty with the United States of July 25, 1878, as establishing the fact that judicial autonomy and tariff autonomy can be and in fact have been separated in treaty negotiations and as furnishing a

precedent

precedent for negotiations on the same non-political basis. At the same time it asks the question "whether it would not have been "a wiser course for the Japanese "Government to pull out this one "stick and break it, than to waste "its time and energy in trying to "break the whole bundle of sticks."

To this it adds the assertion "that the one stick would have lit "fires on many hearths and caused "more smoke to rise from Japanese "chimneys than that which gladdened "the sight of the Emperor Atsuren," etc.

In its protest against the abolition of consular jurisdiction, there is but little if any doubt that the Herald, in the main, voices the opinion of

the

the foreign merchants and business men settled in Japan. But whether this class agrees with the Herald in being willing to restore tariff autonomy to Japan, is not so clear. The question is seldom or never separately raised or discussed. For some reason, which I confess myself not quite able to fully understand, Japanese statesmen and political leaders have always pushed the question of judicial autonomy to the front while fiscal autonomy is rarely referred to except as a mere secondary incident or adjunct. I should be surprised to hear of foreign merchants doing business in or with Japan voluntarily consenting to giving up treaty-made tariffs, so long

long as such can be maintained.
I am inclined to the opinion -
that if European merchants had to
choose between submitting themselves
to Japanese laws and retaining -
final autonomy to Japan in any
manner that could lead to the pro-
tection of native industries, or
that would, indeed, materially -
impair or disturb trade, they would
promptly accept the former alternative
and give up their extraterritorial -
privileges. It would not, however,
be quite the same with a journalist,
since his interests are by no means
identical with those of the merchants.
It is scarcely probable that proper-
ty in a foreign newspaper published
in Japan, after a revision of the treaties

and

and a restoration of jurisdictional sovereignty, will stand on exactly as secure and favourable a footing as a foreign merchant's business, his goods or his credits. The existing Press laws which were only apply to native newspapers, are beyond doubt (perhaps wisely) what appear to an American excessively severe. To extend these regulations to foreign journals might greatly cripple if it did not drive them out of existence.

The English newspapers here, three in number, all of excellent character, have not in the past agreed in their conduct towards the Japanese nor in their treatment of political questions. One of them, the Japan Mail, since I have been here, has generally

pursued

pursued a decidedly friendly and conciliatory course towards the people and government. It has supported strongly the efforts of Japan for Treaty Revision and, in a great majority of cases, defends the authorities and people against the unfriendly criticisms of foreigners and the foreign press.

It seldom opposes the Government and often defends it against the attacks of the native press. The other two English papers, the Herald and the Gazette, generally take a line of policy somewhat the opposite of this. They oppose the abolition of consular jurisdiction as being premature, as not being calculated to benefit Japan, and as likely to prove detrimental to the interests of foreigners. They criticise

criticise, sometimes sharply, things Japanese and pursue generally a less conciliatory policy towards Japan than that taken by the Mail.

That the press laws, if enforced against English newspapers conducted in these latter lines in the same spirit they are enforced against vernacular journals, would either suppress or seriously curtail the line of their discussion, there is but little reason to doubt. Whether such a result would be beneficial to Japan or just to the journals, it is not my province to decide. It is only fair, however, to say that the sharper articles I have seen in either of these papers in the way of political criticism, have fallen far within the line permitted

to

to newspapers in the United States and most European countries.

Of course it cannot be known in advance to what extent, if any, the Government of Japan will, in the event of the abolition of consular jurisdiction, deem it necessary or proper to extend the press laws to journals printed in foreign languages or to exercise a censorship over them. I may refer to the matter as a possible reason why the publishers and proprietors of a foreign newspaper, especially one disposed to criticise the Government or express free opinions, might not exactly agree with foreign merchants as to whether judicial or tariff autonomy should be first restored by the foreign Powers to this country.

I have the honor to be,

Sir,

Your obedient servant,

John F. Swift

Enclosure:

Excerpt from Japan Herald,

August 28, 1890.

Enclosure in Mr. Quiggin's No. 147.

The Japan Daily Herald.

SATURDAY, 23RD AUGUST, 1890.

"A Daniel Come to Judgment."

THEN up rose Sir EDWIN ARNOLD, and in the columns of the London *Telegraph* he broke a lance for the Dulcinea of his declining years, and—but we will not be positive on what is still a matter of doubt;—he broke a lance for Japan, taken from the armoury from which all such knight errants are equipped upon application. For nineteen long years Great Britain has been kept in the dark by her consular and diplomatic representatives on the true state of affairs in Japan, and her relations with foreign powers; all the lead that, for the last ten years, has been fired at Downing Street in leaded, and double leaded leaders, letters, notes, and paragraphs under the direction of English officers in Japanese employ, all this lead has had no more effect than last year's snow. Up, then, rises Sir EDWIN from the snowy mats of Japan,—visitors are particularly requested not to turn them over,— from the scene of many a poet's dream and inspiration, and breaks out into a prolonged: "Why?" But somehow his appeal lacks the timbre that is generally attributed to the roar of an indignant British lion, and, now we come to think of it, we never heard of a British lion who would roar at one end and wag the indicator of his feelings at the other, no matter to whom of those behind the intimation was to be conveyed that he was not all roar. The roar under consideration is not even an original one, nor even a second hand one, it is only the echo of a second hand one Sir EDWIN, therefore, divesting himself of all originality of thought and argument, need not be surprised if the appeal on behalf of his Japanese clients evokes but little more than a weary protest against the dishing up of a mess of mouldy chestnuts gathered in the *Mail's* chestnut grove. However, when poets descend to such very matter of fact affairs as treaties and revision of treaties, there is an end to poetic license, and Sir EDWIN can advise us, who have grown grey under the conditions of these treaties, no more than we could advise STANLEY as to the course he had best pursue on his next expedition into the heart of Africa. STANLEY would see the proverbial "nigger on the fence," where we would not even see the fence, nor would Sir EDWIN. In Japan, however, it seems, that every one who is in Japanese employ, or who is in a more or less direct way considered and entertained as the guest of Japan, removed—and perhaps because removed—from all practical every day intercourse with the people, becomes suddenly possessed of a much clearer insight into all matters Japanese than possibly can be acquired by merchants and writers who have spent the best years of their lives in Japan in close and daily contact with all classes of her people. We shall presently have the sincere pleasure to agree with Sir EDWIN, but in his case this rapidly acquired insight looks very much like infiltration, and some of the facts he ought to have stated have remained in the filter, whilst others have absorbed much coloring matter during the process. Sir EDWIN says that Japan has an indisputable title to demand the recovery—he probably meant restitution, but poets are not always clear in their prose—of her tariff autonomy, and in this we agree with him, but he is evidently not aware of the fact that this question was brought to a successful conclusion in one instance at least. At that time, too, a successful conclusion might have been come to all round the *cercle de fer* of the treaty Powers, had it not been for the fact that, probably, from their early and almost exclusive intercourse with the Dutch, the Japanese had acquired a certain Dutch fault that forms the subject of a well known verse. We refer to the tariff convention between Japan and the United States, concluded July 25, 1878, ratifications exchanged and proclaimed April 8, 1879. It is true that this treaty never came into force, because, according to Art. X, it was not to take effect until such or similar conventions were made with the other treaty Powers, who it appears, did not consider the opening of two new ports as a sufficient equivalent for the very substantial advantages to be given up, nor would the United States do so now. But this treaty establishes the fact that the questions of judicial autonomy and tariff autonomy can be and have been separated, it furnishes a precedent for negotiations on the same non-political basis, and suggests the question whether it would not have been a wiser course for the Japanese Government to pull out this one stick and break it, than to waste its time and energy in trying to break the whole bundle of sticks. The one stick would have lit fires on many hearths, and caused more smoke to rise from Japanese chimneys than that which gladdened the sight of the Emperor Antoku, but instead of this smoke Japan has only seen the smoke of expensive political fireworks for which, after all, the people have to pay. Is it too late to separate these two questions now, and deal with the more practical and more profitable of them first and by itself? We think not. A pocket full of dollars may be an extremely pleasant damper to political ambition, or it may be an additional incentive, but in either case it is good to have; no matter whether it is used for the construction of a seaside villa, or of a seaside fort, it is the corner-stone of either, and political ambition alone, drumming on the lids of empty chests in the treasury, has never yet won palm or crown. We are confident that any propositions made by Japan relating to the restitution of her tariff autonomy only, would meet with a most sympathetic hearing, and we are equally confident that for tariff concessions sufficient non-political equivalents could be found, or, if political at all, of such a kind as to meet with no objection. But the minstrels, both interlocutors and end men, who sing the praise of Japan, have nothing whatever to do with dollar and cent issues pure and simple; they are either in Japanese employ, or have come for a brief holiday, but none of them have ever lived in any of the settlements, none of the latter have any vested interests in Japan, none of them have as much as a single dollar at stake, and none of them intend to come to live in Japan as soon as the treaty revision millennium they so eagerly advocate has become a fact, at least if they do they have never said so. But as a Mormon hymn has it

> "Though I am young and little
> I, too, may learn forthwith
> To love the precious gospel
> Revealed to Joseph Smith.

With *Joseph* for a standard
A sure and perfect guide
And *Joseph's* wise example
What do I need beside?"

Why, not much, not anything in fact, especially not any ideas of your own summer vacation politicians, if an idea now and then should be found indispensable, "Joseph" will make a little incision in your minds, insert an idea of his own, or one from the general stock in trade of the establishment, and it is sure to grow up into a beautiful treaty revision tree that will entitle you to the everlasting gratitude of the "most disthressful counthry that ever yet was seen," and another branch of the same tree bears golden apples, stars and ribbons or their equivalents in some shape or form. Sir EDWIN ARNOLD, if indeed no hint has been thrown out to him, has not been long in discovering the sort of coin in which he was expected to pay for the courtesies and favors shown to him, the different kinds of taffy, caramels and candies with which he has tickled the palates of most Japanese, disgusted some of them and everybody else, were not enough. The thorn in the side of his friends—at present it would perhaps be going too far to say "employers"—the local foreign Press had to come in for its customary share of abuse, and that is where Sir EDWIN has made a great mistake, which as a former editor he should not have made. So far the local foreign Press—from which Sir EDWIN tacitly excepts the *Japan Mail*—has looked upon his *obi* and *imoji* inspired productions in amused silence, but when Sir EDWIN leaves Olympus for Billingsgate, and attacks it in the interesting patois of that locality, he sadly overestimates his ability, especially if he thinks that he can conduct the campaign with stale generalities. We challenge Sir EDWIN to give an instance where anything scurrilous has appeared in the columns of this journal, scurrilous in the general accepted sense of the word, and not only in the eyes of the few foreign hallelujah singers in Japanese employ. If he cannot, we hope he will be honest enough to correct himself. For a man of his age, too, Sir EDWIN is singularly ignorant of the ways of the world, if he thinks that the Japanese people only gradually came to the conviction "that right might go a begging unless it had strength to assert itself." Their own history has furnished them examples enough to illustrate the fact that might is right, and that might makes right what is not right. A man who steals half a crown is a common thief, but a man who steals a whole crown is a conqueror, the one is sent to prison, the other sends to prison, *voila tout*. Besides what is right? An individual conception of a certain state of affairs which from the standpoint and in the eyes of another, apart from circumstances conducive to obliquity of vision, is something entirely different, and then the law or the *ultima ratio regum* steps in to say what is right on the one particular occasion, and under the particular circumstances governing the case. But, as human nature is constructed, there is no right, no truth that would with equal force appeal to all as right, as truth. There are a number of centrifugal and centripetal forces at work that fix the centres of gravity, the rights of individuals and nations, in a different place for each, and the difference between all these brute impassive powers of repulsion and attraction is the might or the right, call it whichever you will, that has governed and will continue to govern the world and to determine the orbits in which its human actions shall move. This difference, the active element remaining of the conflict of powers, it is immaterial under which name, will and must govern the fate of Japan too, and the fluttering of an ephemeral butterfly, however brightly coloured, will not turn the scale one way or the other. The bees that make the honey, are after all the best judges of the conditions most favorable to its production. Criminal laws of undoubted excellence were in existence in 1882, Sir EDWIN condescends to tell us. We doubt whether he possesses and has carefully perused a copy of the Criminal Codes of Japan, and, if he has, whether he has compared them with the French and German criminal codes, and, if he has, whether he has sufficient legal learning to pronounce upon their excellence or otherwise. But assuming, for argument's sake, that these codes are excellent—which, we believe, no code in its entirety is or can be—does the possession of a chest of tools make a carpenter? does the possession of a case of instruments make a surgeon? does the possession of a code of laws and other law books make a lawyer, and competent judges? Sir EDWIN would have us draw the inference that it does, but, brought face to face with this inference, will he stand by it? Would it not have been far more honest, and certainly a far better argument *ad captandum benevolentiam*, to say that Japan, considering the condition of her people, had done the best she could in the way of criminal codes, and that they must be taken for what they might be worth in the diplomatic market in which they were offered. What an easy public, too, Sir EDWIN must address, if he can permit himself to found his arguments on such a base as that "Japan was ready to promise!" What diplomat, what merchant would be justified in acting on, or be guided by, what someone else is "ready to promise." Pity that Sir EDWIN should ever have left the sunny realms of poetry and fiction for the stony ground of prose and facts; he is evidently not at home there. The very discreet pebble he shies at the dead lion, Sir HARRY PARKES, too, does not tend to raise him in our estimation. Sir HARRY alive, Sir EDWIN would and could have been but an humble listener to him. Sir EDWIN is also paying a poor compliment to Japanese statesmen in saying that in 1887—that is after seven years of negotiations—Japan "discovered" what she would be obliged to pledge herself to;" if that is so, the Japanese statesmen who had allowed themselves to be led blindfolded for a number of years by their foreign colleagues were ill-fitted for the position of responsibility and trust they occupied. Is this the meaning Sir EDWIN wishes to convey? Whereupon the question naturally arises, in what light foreign Powers and their representatives are expected to look upon such sudden discoveries, and what policy to pursue in view of their possible recurrence. National obligations, in our humble opinion, should not be left to the chance of sudden discoveries, and as long as they are, the only rational policy to be pursued in Japan by foreign Powers will be the one pursued hitherto—the policy of "Wait." The United States,

Germany and Russia which rashly endeavoured to abandon this policy, have since seen the error of the intended new departure. The new treaties with these three countries, it is true, were made, and Count OKUMA who negotiated them was lauded to the skies by his foreign and native sycophants, but another of these unfortunate sudden discoveries occurred that prevented the ratification of these treaties. The same mob of sycophants that had first roundly abused England for her selfishness, blindness, obstinacy, etc., etc., were afterwards as loud in her praise for having remained master of the situation, and they will do precisely the same thing over again. We are further indebted to Sir EDWIN for the information that Japan possesses "a good system of civil and commercial law, an English version of which might be procured by any one." We are not quite clear as to what a version of a system may mean, but if Sir EDWIN means that an English translation of the Japanese Civil and Commercial Codes can be obtained by any one, we should be glad if he would tell us where, or lend us the complimentary copies probably given to him, for our inquiries for these translations have had no result so far, no one knows anything about them. Perhaps the secret of where they are to be had has been communicated only to the innermost circle of the initiated. In any case, those Codes are not yet in force, and what we have said above on the subject of the Criminal Codes applies to them also. As regards the working of the criminal laws, it appears that Sir EDWIN has not considered it necessary to take notice of any of the numerous cases in which Japanese have assaulted and wounded foreigners and were prosecuted in Japanese Criminal Courts. In none of all these cases has any Japanese ever been punished; in none of these cases have the police who were on the spot, ever been able to identify any of the Japanese assailants, and in none of these cases have Japanese judges ever admitted any identification by foreigners. As regards the working of the civil law, we shall treat Sir EDWIN to the following extract from a leader in the *Japan Mail* of March 14th, 1889. "Experience, bitter in the case of many foreign residents, has shown that the section of Japanese civil law relating to claims arising out of breaches of contract leaves very much to be desired. The law, in fact, seems to espouse the debtor's cause and assist him to contrive devices for evading his obligations." Need we add anything to this, need we confront a poet's inferences with facts. If he does require them, we hope he will do so *in propria persona* and not by proxy—a common practice with those in whose camp he is now. We cannot, or rather we dare not imagine what influences have been at work to degrade one of England's most famous writers to a Japanese agitator, to make him threaten Great Britain, the country of his birth, either on his own account, or as the unthinking mouthpiece of others behind the scenes, with a policy of retaliation on the part of Japan. We cannot imagine what sinister influences obscured his mind to suggest the possibility that Japan might cut off her own nose to spite her own face, by closing her ports, railways, and other means of communications to foreigners, that is to dam up the streams and rivulets that carry foreign silver and gold to the remotest corners of the Empire. "Thus far no disposition of the kind has been shown" says Sir EDWIN. Why then does he come here to engender it, why stir up strife, why suggest suicidal means of annoying foreigners, following suit to the *Japan Mail*. Did Sir EDWIN expect us to approach him on our knees and noses, and does he seek his revenge in stirring up fresh strife and dissension between us and the people amongst whom we live, because we did not do so. The unfeigned delight with which Sir EDWIN lingered on the description of these performances by the pretty *musumes* that had the supreme happiness to anticipate his slightest wish, almost makes us think so, and at present we can only express the hope that time will give us a better opinion of him, and that Japan's friends will not pour corrosive acids on her sore spots, for if that is an accepted test of friendship, why then the horse fly too is the best friend a horse has, for the sore spots on a horse's back are its favorite feeding ground, and there too parasites thrive best. But common horse sense does not permit the horse to consider flies as his friends,—he whisks them off.

Finally we should like to impress upon Sir EDWIN the fact that the world has done very well without Japan and could again do very well without Japan, but Japan can no longer do without the world, she has to keep in close contact with the world now, and that, probably, can only be done on the world's terms. That is the prose of it.

No. 145.

DIPLOMATIC BUREAU.
OCT 1 1890

Mr Snider

DEPARTMENT OF STATE
SEP 22 1890
RECEIVED.

Legation of the United States,
Tokio, Japan, August 25, 1890.

Mr. Dwight
To the Secretary of State.

answ? (a.a. a/s draft) Oct 1/90 Phelps

Subject:

Suggestions as to the Course of the United States, in view of the possibility of an early revision of the Treaty between Great Britain and Japan.

Synopsis:

Belief that such a Treaty will shortly be made — Idea prevails in Tokio that the objections of the United States to the Treaty of

February

Synopsis (con.)

February 20, 1889. are confined to provision concerning real estate. — No suspicion exists in any quarter that the proposed tariff is not entirely satisfactory. — Confidential statement made by German Minister on subject of the tariff — Propriety suggested of notifying Japan that proposed tariff is not satisfactory.

No. 145.

Legation of the United States,
Tokio, Japan, August 28, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

In view of the fact that the counter-project of Lord Salisbury, referred to in his letter to Sir J. Pauncefote of May 14th., has probably before this time, been presented to the Japanese Government, with some chance of an agreement being reached between the two Powers, I deem it not out of place to make some further suggestions for your consideration.

You will remember that soon after my arrival in Japan, I ventured

ventured to call your attention to certain stipulations of the Treaty of February 20, 1894, and to question their advantage to the United States.

Briefly stated, they were as follows:

1st. The Treaty gave to Japanese subjects the unqualified right to acquire and hold real estate throughout the territory of the Republic, thus over-riding the policy of Congress as manifested in the Act of 1887, as well as setting aside the positive laws of a considerable number of the States of the Union.

2nd. It opened the country to the unlimited immigration of the Japanese, as an absolute treaty-right, conferring upon them treaty privileges not enjoyed by friendly European nations

nations.

3rd. It stipulated for an immediate surrender of the extra-territorial privileges of our citizens in Japan, and a complete surrender of the same throughout the country generally, at the end of five years; and a subjection of our people residing here to the, as yet, crude and uncertain jurisdiction and laws of Japan.

4th. It established, for twelve years to come, a tariff of customs duties by which the principal products of American trade were unjustly discriminated against, to the advantage of leading articles sent from European countries to Japan.

In a series of despatches written last summer and autumn, I ~~...~~ recommended

recommended these facts for your consideration.

While this was going on it became known, in official and diplomatic circles in Tokio, that I entertained some doubt as to whether the stipulation with respect to real estate ownership would meet with the approval of my government. But, to the best of my belief, no other objection, if I entertained any other, became known outside of this Legation. It turned out that the objection to the general ownership of real estate accorded with the views of the Japanese government. They, too, were desirous to eliminate, or at least to modify, that stipulation. It followed from this condition of things

things that the Imperial government still regarded the treaty with the United States, on the general lines of that signed February 20th., as practically concluded, inasmuch as the supposed differences between the two governments seemed to [illegible] of reconciliation. When your telegraphic instruction of the 25th of February, 1890, to the effect that the United States would not be satisfied with the treaty without numerous and very important alterations was communicated to the Imperial government and the diplomatic body, it was accepted here as simply confirming my own views and as referring chiefly to the question of real estate ownership.

Although

Although I have thought it by no means improbable that one of the numerous and very important modifications to be demanded by my government would, at the proper time, prove to be a material modification of the tariff upon leading American articles, such as kerosene oil, clocks and watches, leather, road-wagons and the like, I have, till within a few days, kept the opinion to myself. I did this because I had received no intimation of the actual views of my government upon the proposed tariff; and, besides, these had not appeared any special necessity for making them known. Had I been in possession of them.

I have, however, recently taken

occasion

occasion to mention the matter to the German Minister in a casual conversation at this Legation. We were talking together of Lord Salisbury's counter project of April 14th. Although he had not received it officially from his government, he was already familiar with its terms. He expressed a pronounced opinion that Great Britain would, before very long, accept the present proposals of Japan and make a treaty. From his conversation I found that the German Minister was of the impression that the United States would be satisfied to complete the Treaty of February 20th, if the objection to real estate ownership could be accommodated. Finding this to be the fact, I deemed it advisable

advisable to remove this impression from his mind and, for that purpose, told him that in my opinion the real estate matter was not the only, nor the most important of the modifications that would be demanded by the United States. I said that while I could only speak from my own private and individual views, having had no information as to how my government regarded the matter, yet that I should be surprised to find the tariff schedule in the proposed treaties acceptable to my government and believed it would not be so. I gave him my reasons, briefly pointing to the low duties on leading English goods, compared with the relatively high duties

On

on principal American products.
I contrasted American watches at
20 per cent., agricultural at 15 per cent.
with British steamships at 3 per
cent., locomotive engines at 5 per
cent. and cotton yarn at 8 per cent.
duty ad valorem. He commenced
to smile the moment he learned the
drift of what I was saying, laughing
outright when I had finished.
"Yes," he said, "I was aware of
"that. The fact was that we were
"fearful that if the tariff, as reported
"by the committee (he referred to
"(the proceedings of the Conference of 1886)
"was not adopted at once and without
"debate we should all suffer by
"changes that, taken as a whole,
"would be to our disadvantage.
"We

"We were satisfied with the treaty
"as it was reported." He did not
say whom he meant by the pronoun
"we" nor did I ask him. But he
went on to say, in substance, that,
in consequence of this fear, he and
those acting with him, entertained
of disadvantageous changes, they had
agreed together that when the report
should come up for action nothing
was to be said, but the tariff list
was to be adopted without discussion
or comment, if possible. So they
all kept still. "But," continued the
German Minister, "when the article
"of cheeses and watches was reached
"I found myself placed in a delicate
"position. I had consented to repre-
"sent Switzerland in the Conference.

"In

"in addition to my own government;
"and, observing that this class of goods
"was to be dutiable at a relatively high rate, I was considerably
"embarrassed by my dual character.
"As the representative of Germany
"I was anxious for the tariff to go
"through without change; while, in
"behalf of Switzerland, my duty might
"seem to require a different course.
"But knowing that the United States
"was a very large producer of clocks
"and watches for the Japanese market,
"I determined to follow the lead of
"Mr. Hubbard. I supposed, of course,
"the American Minister would make
"objection to the high tariff on this class
"of goods, and I intended to support
"him in it. But, to my surprise, he
"never said a word. In consequence
"of

"of his non-action, I thought there
"was nothing for me to do but to
"follow his example, which I did,
"and the item was adopted without
"discussion."

In the same connection I have the honor to suggest for your consideration the question as to what extent, if any, the views of the United States on the proposed tariff should be made known at this time to the Japanese government; or, if on the contrary, it is deemed advisable that they should remain unexpressed. It seems to be not at all improbable that Great Britain, at a not distant time, will agree to a treaty with Japan that will embody the tariff exactly as it stands

stands in the treaty signed by the representative of the United States on the 20th of February, 1889. While this negotiation is going on, at least up to this time, if the United States are not satisfied with the place her productions are given on that schedule of duties, the secret has been so well kept that its announcement in Japan may be more or less of a surprise. The question that naturally arises is this: Is it to our advantage to allow European commercial states, acting in ignorance or misconception of the views of the United States, to conclude treaties based upon a tariff unfavorable to our interests?

As to whether or not the Department of State regards the tariff of February 20th

20th. 1889. as unfair to American interests. I of course have no knowledge. I have all along assumed, without instruction, that if the revision project was intended to concede out of hand immediate and complete fiscal and tariff autonomy to Japan, the United States would adhere to her established policy expressed in the treaty of 1878. of giving up at once all claim to control the customs duties of this country, and take her chances along with other Powers. But that, as long as the tariff is to be made by treaty stipulation, my government will insist that American commerce shall be treated as favorably as that of other countries and will not unwillingly

willingly submit to being discriminated against.

That the tariff of February 20, 1889, is unfair to our productions, I have led myself to believe; but I am not blind to the circumstance that a question so complicated and ramified may, and possibly does, have another side to it, overlooked by myself; for which reason I await with caution and respect the expressed views of the Department of State, as the ultimate guide to action.

If my views prove to have accorded with your own, it is still uncertain exactly what to do to maintain our prestige, assuming that other Powers are about to conclude treaties. It is true that by a firm

course

course, even after the other Powers have concluded treaties adopting the discriminating tariff, the United States can decline to accede to the project and insist upon standing by the present duty of 35 per cent. ad valorem, till justice is done.

I doubt if a protest on the part of the United States against the proposed tariff would prevent Great Britain from closing with Japan on present lines. It might rather accelerate action, as, I am convinced, the tariff is considered very agreeable to British interests. But for us to openly express our objection at this time would remove any possible cause of complaint on the part of the Japanese government that they had been misled by our

laches

laches in failing to promptly express our wishes.

I have no doubt that you are in possession of knowledge, touching the probable course of Great Britain, not within my reach; and that, in fact, there may be no danger whatever of any treaty agreement being made in the near future between the two countries.

I have the honor to be,
Sir,
Your obedient servant,
John T. Sprague

Slip.

No. 149.

DEPARTMENT OF STATE
OCT 6 1890
RECEIVED. DIPLOMATIC BUREAU
OCT 8 1890

and 10 ocr

Legation of the United States,
Tokio, Japan, September 6, 1890.

Mr. Swift
To the Secretary of State.

Subject:
Electric Light in the Legation.

Synopsis:

Discharge of night Police Patrol. —
Increased safety because of electric light-
ing instead of kerosene lamps. —
Authority asked for to pay $25.00
a month out of contingent fund.

No. 149

Legation of the United States.
Tokio, Japan, September 6, 1890

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

In my despatch No. 114, dated April 14, 1890, I called your attention to the serious risks from fire and robbery that, owing to causes which I partially explained, constantly threaten the inmates, property and archives of this Legation. I should have mentioned that the fire risk is greatly increased by the inflammable character of Tokio City, its lack of any adequate fire

Department

department or other means of extinguishing conflagrations; and the frequency and severity of the earthquakes that are constantly occurring. Also that the Legation House, the servants' quarters, stables and outhouses are all wooden buildings. The fact that they have, up to this time, been lighted solely by Kerosene lamps has been, as you will readily understand, under such circumstances, a source of constant anxiety and uneasiness to me. In fact, it is not merely a constant danger to property, but to life as well.

It was this dread of fire more than any other single consideration which caused me to request authority to employ a night watchman to patrol

patrol the premises, although there are other strong reasons. As author= ized in your despatch No. 73 of date the 8th of May, 1890, this was done and a patrol employed. But I found that the expense of a suffic= ient service, instead of being within the sum asked for, namely, fifteen dollars a month, was double that amount, namely, thirty dollars a month. However, I duly arranged with the Police Department of Tokio to have the place patrolled throughout the night, the excess above the amount of expenditure permitted by you, in your despatch No. 73, I have paid out of my own funds and shall not ask its reimbursement.

I now have the honor to inform you

you that I have caused the Legation Premises, including servants' quarters, stables and Principal Gate, to be lighted with electric light furnished by an Electric Light Company organized and carrying on business in Paris. The exclusive use of electric light on the premises tends to materially reduce the risk of fire and justifies the discontinuance of the Police Patrol. The same has therefore been discontinued and the charge will be no longer incurred.

The expense of lighting the Legation with electric light is, however, so considerable and likely to be such an increase over what I had to pay when using kerosene oil, that I have thought myself justified

justified in asking the Government to bear an equitable share of the outlay in proportion to the benefit it will receive in increased safety to its archives and property, in addition to the actual cost of lighting the official part of the Legation. It will be borne in mind that the expense of lighting that part, occupied strictly for Legation purposes, has up to this time been borne by myself and the same, I believe, has been true as to my predecessors.

The risks of fires taking place in the servants' quarters or stables and spreading to the Legation is very great and will hardly be realized by you without an explanation which I venture to give.

H.

It is the custom in Japan for household or domestic servants to reside with their families in quarters contiguous to the main house and constructed for that purpose, where they supply themselves with everything. They generally have families. I have in my employment at this Legation between fifteen and twenty native servants, of all kinds. I believe, with one exception, they all have families of from two to six people, including, in some cases, fathers and mothers as well as sisters and children. It will be safe to assume that, in a regular way, there will be forty to sixty natives living in the Legation grounds. All of these, as the legitimate following of the servants of the house, must be supplied

supplied with regular Japanese accommodations for living, cooking, eating and sleeping, and must be made reasonably comfortable. In fact, it is for the interest of the Legation and its American inmates not only upon sanitary considerations but for the well-being of all concerned, generally, that the native servants be well housed and that their comfort and cleanliness be looked after and cared for. This fact is brought as sharply to my notice at this time by the cholera epidemic just now raging in the city. These people ordinarily furnish their own lights. When they do so, they are as economical as possible, using the cheapest, lowest grade

grade and, consequently, the most dangerous kind of kerosene oil; and burnt in the most fragile of lamps. Under these circumstances I have not thought it safe to allow the students any longer to furnish their own light or to trust them with kerosene lamps in their quarters or in the stables, all of which are situated near enough to the Lecture buildings to involve the whole in case of fire. This increases my outlay by the cost of the electric light necessary to replace the kerosene in the rotunda; for, in order to drive that dangerous substance off the premises and prevent its use I found it necessary to furnish them the new light free of

of charge, which I do. I am, as yet, unable to state from experience what the cost of lighting the Legation under the new system will be, taking the year through; but can give an estimate based upon certain facts that, I trust, will satisfy you as being near enough for the purpose. The number of electric light tips or burners in the entire premises, official and private, is about eighty, averaging sixteen-candle-power each. Of this, fully one-half is in the Principal or Legation floor, besides a large, central lamp at the main Legation gate. The electric light Company's price for each of these sixteen-candle-power burners, when lighted, is 1.2 cents per hour, -

or

about 4 cents for four hours of light. At this rate, were the entire eighty lights to burn four continuous hours, which is rather a short allowance for the average night, the year round, this would make the cost of lighting the premises $3.84 per night, or $115.20 per month. This amount of light, however, will only be consumed on evenings of social receptions and entertainments. ~~Though~~, on such occasions the cost of lighting will probably average as much as $6.00 or $7.00 a night. But, of course, it is not intended to use all the lights at once, except upon such occasions, and ordinarily all reasonable economy will be observed to keep the expenditure as low as possible to sufficiently light the premises

premises. I hope, by economy, to light the place at an average cost not to exceed ~~60.~~ $ a month. If it is higher than that, I shall have to give it up. I hope to be able to bring it, except for two or three months in the social season, when the nights are longer, to about or a little over ~~40.~~ $ a month.

Under all the circumstances, I am of the opinion that, in view of the increased safety to the Property and archives of the Legation, as well as what seems to me the reasonableness of the claim that it pay for lighting the official portion of the premises, that the Government ought to pay an equitable part for the electric light used for that purpose.

If

If this principle is accepted to, then I suggest the sum of £25.00 (twenty-five dollars) a month as the Government's proportion and hereby request authority to pay the same out of the contingent fund.

I assume that there will be sufficient money in the fund after providing for other and, perhaps, more pressing claims upon it and will accept the authority contingent upon such being the case.

I have the honor to be,

Sir,

Your obedient servant,

John F. Swift

Desp.

DIPLOMATIC BUREAU

OCT 8 1890

No. 150.

DEPARTMENT OF STATE
OCT 6 1890
RECEIVED.

2d ASSISTANT SECRETARY.
Don't print this!
Action by subject & file.
OCT 8 1890

Legation of the United States,
Tokio, Japan, September 6, 1890.

Mr. Dwight
To the Secretary of State.

Subject:
Lack of Commercial Integrity in Japan.

Synopsis:
Newspaper discussion concerning same. — Reasons for the shortcoming. — Comparison with Chinese integrity. — Belief that Japanese merchants will eventually acquire commercial integrity.

No. 150

Legation of the United States.
Tokio, Japan, September 8, 1890

Hon. James G. Blaine,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith, for your information, a number of articles clipped from Yokohama English newspapers, of recent date, on the subject of Japanese commercial morals. The editorial articles have been brought out by a communication to the Japan Mail understood to have been written by an English merchant, of Yokohama, of high standing. The communicated

article

article, a copy of which is also enclosed, has attracted considerable attention and produced some warmth of feeling in the community.

These articles are only of value as tending to throw light upon the condition of things in this country in view of the demand of Japan for such a revision of the treaties as will render foreigners subject to Japanese jurisdiction.

From the excerpted articles, you will find it to be a fact conceded even by the best friends of Japan that Japanese merchants are seriously deficient in commercial integrity as measured by the standard of Europe and America. It seems to be admitted on all sides that they

do

do not keep their engagements as well as do the merchants of other countries. That they break their contracts to deliver goods, not merely to avoid a loss, but under the temptation of a rising market, they are more apt than other nationalities to back out of their agreements to deliver. It is said that the foreign merchant stands by his agreement which fact the Japanese coolly counts upon and is always ready to make the most of the advantage.

Both sides to this controversy seem to agree also that the laws and courts of Japan do not afford the injured foreign merchant any adequate remedy.

There conditions have long

been known and recognized, but there are many and conflicting opinions as to the causes which have produced them, and even more as to the most feasible remedy. It would, in my opinion, be wide of the mark to attribute the shortcomings of Japanese merchants to be due mainly to crude laws or ignorant judges; although the laws are certainly crude and the judges are not so learned as they will be doubtless at some future time.

It is notorious that the Chinese, under juridical conditions almost identical with Japan present a most astonishing contrast with the Japanese on this very point of commercial integrity. It is not going beyond the

the fact to say that the steadfastness with which the Chinese merchant stands by and performs a contract when made, is not surpassed, if it is equalled, anywhere on the globe.

It has grown almost to be a proverb, in this part of the world, based upon a century of commercial intercourse, that a Chinaman's word is as good for a cargo of tea in quantity, quality and price, as a European's bond. It is also equally known and recognized that neither the word nor the bond of the Japanese merchant, in a great majority of cases, can be depended upon.

Under these circumstances it is perhaps natural for the foreign merchant to think and to say that this

this difference between the two peoples is one purely of moral character and that the Chinaman is inherently more honest than the Japanese.

I cannot agree to this; but I am quite ready to admit that he is a very much better merchant and business man. I see no sufficient reason for thinking that the Japanese are less honest than other nations equally advanced. If I am correct in this view; then the cause of this singular lack of commercial integrity and which is the bane and curse of Japanese trade, must be sought for in some other direction.

I am inclined to the opinion that the Japanese are deficient in many

many of the qualities essential to success in commerce. They habitually make bad bargains. They appear to lack that shrewdness or perhaps selfish cunning as necessary to driving a close trade. A promise indiscreetly entered into is always hard to keep while good bargains are easy of performance. Japanese fail to keep their engagements not from unwillingness so much as incapacity. The Japanese are a singularly insouciant, unthrifty and improvident people. These are qualities not tending to success in commerce. They do not seem to understand the value of either time or credit. The Chinaman, on the contrary, is preeminently

thank

sharp, grasping, avaricious and, as might be expected, wonderfully successful. Where honesty pays best he has it in any needed quantity; and where thieves are likely to prove profitable he is ready with an infinite sufficiency. As a large operator, dealing with the world's trade and where, consequently, a good name is a rich estate in possession or expectancy, the Chinese merchant is a model of probity; while the same individual, with his bundle of trashy embroidery and gymcracks, trafficing with the flitting globe-trotter, and where each completed transaction clears the relations between the parties, would hardly tell the truth, even by

by an accident. The Chinaman is a born merchant. In him the commercial instinct has its highest development. Nothing is too large nor too small for him to trade with. The Japanese is the very antipodes of such a character. They are a wonderfully aesthetic and imaginative people. It would almost seem that they are too polite to drive a harsh or close bargain and close bargains are essential to success in trade. As the result of an ancient system, now happily passing away, the Japanese are beyond question the most deferential, the most ceremoniously polite in bearing and deportment towards others, in all intercourse, social, official or business, of all the nations

nations of the earth. The Chinese are the complete reverse of this. They are singularly unsmil and ~ discourteous with their intercourse with equals, and are awkward and boorish in the presence of superiors. They are unable even to lie gracefully and when they tell the truth they are apt to be brutally direct and ~ straight-forward.

While it would be absurd to suggest that the broken contracts, so embarrassing to foreign merchants and so detrimental to Japanese ~ trade, are due to the politeness of the promise-breakers, I am decidedly of the opinion that the disregard of the Japanese merchants for their engagements is due, in a very considerable

considerable degree to the habit, which is natural, of making conventional statements and perfunctory promises not intended on one side nor expected on the other to be believed as facts or kept as engagements. This class of promises are thoroughly understood between the Japanese and pass for what they are worth and no more, but, of course, often act as a surprise to foreigners not accustomed to the customs of the country.

In my short experience here, I have observed that, in small matters at least, a Japanese will promise to do almost anything that is strongly urged upon him. If he finds that you are officially anxious to have a thing done, he will understand it, apparently

out

out of pure politeness, at a time when he must be conscious that he has not the power to perform what he has agreed. I have had several experiences with mechanics and dealers who, after stating the cost of something to be done or furnished, have, in the politest manner agreed to do the same thing, at my request, at a much lower price and then have gone away to return no more. They have known from the first that they could not afford to do it at my price, but have been too polite or have lacked the courage to bluntly tell me so and have slipped away and thus have lost the business which otherwise they might easily have had.

In

In Japan a discontented servant does not huddly resign his employment and make out of your house. He is too polite to do such a thing, and it is not the custom of the country. He pretends (which pretense is purely conventional) to have received news that some relative, perhaps his mother, is lying at the point of death and he is called to her bed-side. If you urge him to stay, telling him that your necessities are imperative and that you cannot possibly spare him, he readily pretends to yield and cheerfully promises to forego his journey and stay with you; but without the slightest intention of doing so. On the contrary, in a few hours he is missing. He has departed. Perhaps

perhaps leaving a message to the effect that he has received later news from home, that his mother is dead, and that he has been compelled to hurry away to the funeral; and that is the last you hear of him.

Both of these statements have been entirely conventional. The servant does not consider that he has been lying, but that he has done precisely what etiquette required of him. The truth is that by your persistence you have driven him to this course. A Japanese employer would have understood the situation at once and the first amiable subterfuge would have answered the purpose.

While the quality that produces these curious fictions would, perhaps,

for

for many reasons, not be desirable for a people, it would be exceedingly unjust to classify it with deliberate chicane. It is certainly very far from that.

Foreigners cannot expect to make the Japanese over again. Of course it is exasperating to the foreign merchant to learn by dearly bought experience that it is not safe to trust the merchant of the country with whom he is obliged to deal. But it does not take him long to learn that he cannot trust him and, the lesson learned, he governs himself accordingly. Our merchants must long since have learned as nearly as possible how much and how little dependence can be placed in their Japanese customers; and, when they

cannot

cannot be trusted, must have found some other way of conduct= ing their business as they have carried it on for a long time with a very fair degree of success, in spite of all.

I am not disposed to believe that this defect in Japanese character will be materially affected by the adoption of the new codes or as the result of the judicial administra= tion of the new courts. But, all the same, I have faith that the fault will, in due time, be corrected. — Commercial integrity is a quality too valuable to its possessor not to be sooner or later evolved in Japan as it has been in other countries. The prompt payment of debts and the

the performance of obligations is not more due to honesty than to sound commercial wisdom. The time must come, in the nature of things, that the Japanese merchant will learn as the European merchant has learned, the money value of confidence and credit, and will set about acquiring them. He will find that the only way to have credit is to fulfill engagements and that if engagements are to be fulfilled it is necessary they should be cautiously and judiciously made.

In the mean time and until the change comes foreign merchants in Japan must continue to protect themselves, as they have been doing, by taking the utmost care in all their dealings. In this way they

have

have thus far managed to get on, if not as well as could have been wished for, certainly a good deal better than was to have been expected, under the circumstances. If they have confidence in the Japanese courts - they will do well to keep out of them as far as possible by paying their own debts at the time agreed and requiring their Japanese customers to pay on delivery. This is and long has been the custom and, if not entirely agreeable is, at least, endurable.

I have the honor to be,
Sir,
Your obedient servant.

John T. Swift

Enclosures.

Enclosure 1. : Mr. Enright's No. 150

From Japan Daily Mail, Aug. 30, 1890

CORRESPONDENCE.

CONTRACTS BETWEEN JAPANESE AND FOREIGNERS.

TO THE EDITOR OF THE "JAPAN MAIL."

SIR,—I have often wondered that amongst the many writings about the relations of Japanese with Foreigners so little appears to have been said on the subject of contracts between the two, and how they are kept by the former; and as my experience has been probably as great as most import merchants here, my views on the subject may be interesting as regards the Japanese brokers, dealers, or merchants, with whom we have to do business at the treaty ports. Perhaps when the new treaties are carried through, and we have more access to the native merchants or consumers, we may find things different, but I can only write as they are now, and I feel sure my opinions will be endorsed by the majority of my fellow merchants.

In the first place, I may mention that the dealers in question almost invariably buy goods professedly for account of a third person, whom they never declare; at the same time they use this anonymous client as a scape-goat for any shortcomings, and whatever happens, on him is laid the blame, although we know (and this is probably the rule rather than the exception), that they often buy on their own account speculating on the turn of the market.

Taking first contracts for goods to arrive by a given date, the sale note has usually on it the clause that if the goods do not arrive by a certain date the contract is to be cancelled. When the market goes against the buyers, if the goods arrive even a single day late, the contract is invariably cancelled, or else an allowance has to be made to meet the fall in the market:—there is no hardship in this, it being as fair for seller as for buyer, *but* on the other hand if (the goods arriving late) the market has advanced and the seller wishes to use his privilege of cancelling the contract, the Japanese dealer thinks himself very hardly treated, and will combine with other dealers to boycott the goods, so that in nine out of ten cases the foreign importer, knowing this, lets the original buyer have the goods at the arranged price, and thus the dealer gets the advantage both ways. But should the goods arrive by the proper time, the market having gone down in the meantime, the native dealer makes every frivolous excuse possible to get off his bargain, declaring the goods not up to sample &c., &c., and generally ends in the long run in getting a reduction fully equal to the decline in market value, it being far easier for the importer to do this than to fight the question, and have the contract thrown up, and then probably have the goods boycotted in the same way as mentioned above. For this reason, since the good old days when bargain money was invariably received on signing a contract, I may safely say that no foreign merchant looks upon a contract as a writing that will be carried out in its integrity by the native dealer, but merely as a memorandum of his "intention" at the time of making it, and so one rarely hears of a suit against a Japanese for breach of contract, as it would be only time wasted, and even if judgment were obtained, experience has shown that by that time the native is only possessed of a soroban, hibachi, and a few mats. Where his other assets have vanished to in the meantime is a mystery that has yet to be solved!

Taking next contracts for sale of goods arrived to be delivered by a certain time:—these are usually made verbally, although sometimes in writing, for delivery 10, 15, 20, or 30 days as the case may be, and in many cases I have known it has been particularly explained to the native dealer that the goods are only sold at this price *because* the money is wanted by a certain date for a special purpose to meet a draft or to remit by mail, &c., and the dealer replies with a light heart that this is perfectly understood, and that the goods will be cleared by the stipulated time. But if the market goes against the dealer, what is the result? He simply never comes near the importer, who has to send down to him for the money, getting always the the same answer, that the (undeclared) country buyer has not sent down the cash, but it will certainty come "to-morrow," and so it goes from day to day, week to week, month to month, and sometimes from year to year. I am not exaggerating this, for I know it will be found that there are now in godowns here goods that should have been cleared more than a year ago by dealers who have never been made bankrupt but are doing fresh business all the time! It may, of course, happen to any one in business that it is not always convenient to take up a contract immediately, and there is no disgrace in it. It happens every day to foreigners, say in the matter of drafts with their bankers, but then a few days before the acceptance falls due they make the necessary arrangements for renewing it, and replacing the transaction on a sound basis as may be agreed upon. Did they not do so, the acceptance would be protested and the foreigner made bankrupt, or at least he would be able to do no more business with the bank he had treated in so unceremonious a fashion.

As I have said above, there is no disgrace in a Japanese or foreigner not being able to implicitly conclude a contract or, say, to his having reasons for wanting to extend it, but I wish to impress upon the Japanese dealers that it *is* a disgrace and dishonest to shun the other party to the contract and not to make the necessary arrangement *before* the contract expires. But as it is, the native dealer allows the foreign merchant to think that "to-morrow" the goods will be taken delivery of, whilst he knows well he has not the slightest intention of such being the case, and all this time he is using *gratis* the foreigner's capital, godowns, &c., until such time as the market turns in his favour, or for some other reason it suits him to take away the goods. *He* never by any chance offers to pay interest, godown charges, &c., and when at last the foreign importer loses patience and says "well, take away the goods and get a loan on them from your own bankers," the answer is generally (accompanied by a pleasant smile), "oh, then I should have to pay interest and charges!" I am not now speaking of the small dealers, but the large buyers of staples, such as yarns, shirtings, metals, woollens, sugar, &c., and I may safely say, what will be confirmed by all my fellow importers, that not one of them, the largest as well as the smallest (when the market goes against him), will be found to complete his delivery of goods by the stipulated time. They will sometimes take delivery of say half the quantity in good time, leaving the other half for an indefinite period, and if by any chance the foreigner has so far got to windward of them as to be in a position to *insist* on being paid interest, godown charges, and for other expenses incurred by the dealer's breach of contract, he, the native, thinks it very hard, and will come to the foreigner with tears in his eyes begging him to forego the money actually lost to the foreigner by the other's breach of good faith. Goods imported are as a rule drawn against, and it seems impossible to get into the native dealer's minds the fact that until the whole parcel is cleared the drafts cannot be retired, and so interest is running on the whole amount, as the banks only allow 3 per cent. interest on part payments, the current rate on the bills being 6 per cent. I have several times enquired of Japanese what is the rule amongst themselves: *i.e.* when a contract to be closed on a stipulated date is entered upon, whether that date sees its closure, supposing of course no other arrangement is mutually made, but the answers I get are very conflicting. Some say it must be carried out or the breaker "loses face," and others that a few days more or less make no difference. I should very much like to have the opinion of some leading native merchant or banker on this subject, as to the custom, say, with the banks about acceptances, and whilst a few "days" may not matter much, I am sure that in their business intercourse one with another the native merchants *never* act as the dealers at the treaty ports do with foreigners, where it is not a question of days but of weeks and months, to say

nothing of years (but we will hope this last is somewhat exceptional). It has always been a surprise to me, now that the country has been opened for foreign trade for some thirty years, and so many Japanese have been educated abroad and studied commerce in the great cities of Europe and America, that those dealing with foreigners, of whom a new generation has sprung up, have not become more exact in their dealings, if only from a sense of policy and seeing what advantages accrue to a business man who is known to be honest and whose word is his bond. Those who have been abroad must have been witnesses of the gigantic transactions entered into amongst foreigners by word of mouth or telegram without the slightest question arising, and I should have though that by this time at least *some* of the native dealers would have discovered that honesty is the best policy. Of course one great trouble lies in the competition amongst foreigners, and again in the fact that sellers are, as all over the world, more numerous than buyers, but I am sorry to see, as time goes on, instead of there being any improvement in the way the native dealers treat foreigners the contrary seems to be the case, and the sad and undoubted fact remains that no foreign importer looks upon a Japanese contract as more than a memorandum, and it is only when the *last* goods are delivered and the cash received that he can feel that the stipulations of the contract will be carried out and the transaction finished. And I am sorry to say the native dealer is the reverse of grateful for any concessions that may be made, for if he is once allowed to get behind hand, whether in paying money or taking delivery of goods, he will not come in a straightforward manner and arrange to let that particular transaction stand and in the meantime do other business, but for anything fresh he will go to some other house and start a fresh account. And another instance I may quote, he will go to a foreign firm and get them to telegraph home about some special business, and when he has got the foreigner down to the last cent he will will withdraw under pretence of seeing his "client in the country," and will go to a foreign competitor, and say Mr. —— will do this business for so much, "but you shall have it if you will do it for so much less," and the competitor, knowing probably that Mr. —— is a careful man and not likely to make a mistake, will accept, which he can probably afford to do, he not having disbursed in telegraphy, &c., the amount Mr. —— has spent and which the dealer never thinks of refunding! This is not at all an uncommon case, and can be borne out by any foreign firm here, for lucky is the one that has not had this experience!

Again, I have noticed the native dealer as a rule is very much annoyed when he thinks the foreigner has made what he considers a good thing out of any transaction, whatever he (the native) may make out of it, and he seems only to be happy when he knows goods are sold at a loss! Now amongst foreigners I think it will be admitted that if the buyer or seller has made a fair profit, he is only too glad when the other party does the same. It makes things pleasant all round, and paves the way to other transactions. The native dealer seems to have an idea that on every transaction the foreigner makes an inordinate profit, although this is generally soon dispelled when he enters into "direct importation" and takes all the risks borne by the foreigner. This idea is no doubt brought about by the style of living of the foreign merchant, but he forgets that the transactions of foreigners here being large, a very small percentage amounts up in the course of the year, neither does he think of the stock the merchant carries, and on which in nine cases out of ten the apparent profit is all eaten up by interest, godown charges, &c., &c. In the present case of rise in exchange the native dealer thinks that the foreigner is making a large profit on goods sold to arrive, but as a matter of fact in a great many cases the latter reaps no benefit by the advance in exchange, as where profits are cut as fine as they are with most goods sold to arrive, the importer fixes his exchange at the time of making the contract, since with such a fine margin any drop in silver or exchange would turn the transaction into a positive loss, and he cannot afford to run any risks. Of course with the advance in exchange and the competition of foreigners the native dealer or his (mysterious) client gets the benefit of lower prices for all goods not actually contracted for. During the last few weeks with contract goods all foreigners have been importuned by the native dealers to make a reduction in price because exchange had advanced! and in many cases this has been done as a matter of policy, otherwise the goods would have been found fault with and not perhaps have been taken delivery of for months. But I would ask the native dealers what they would think of a foreign importer who should ask the dealers to give a *higher* price for goods sold under contract because exchange had meanwhile declined? The question has been sometimes put to the dealers, when they laugh and think it a fine joke! Yet they, even the best amongst them, do not for a moment hesitate to ask for a reduction because the goods can be brought here cheaper than at the time of making the contract, although for reasons already stated the foreign importer may not have benefited by the advance in exchange.

Finally, it resolves itself into this, in my opinion, and I think it is that of the merchants here generally:—that, as trade is now carried on at the treaty ports, all contracts entered into by Japanese and foreigners are entirely one-sided. If the former sees a profit he takes it, but if there is a loss the latter has to bear it, perhaps not by an actual breach of contract on the part of the Japanese, but by their delay in taking delivery of the goods and loss of interest, &c., &c. Goods cost roughly 1 per cent. per month to hold, calculating interest, godown charges, &c., so it will be seen if they are left undelivered for, say, three months (a not at all unusual time) there is actually a loss on them, for as things are now it is very rarely that 2 to 3 per cent. profit is seen on a transaction when it is entered into. I have not in any way exaggerated the present position of affairs at the treaty ports, and have written this to show how foreigners look upon the way in which the native dealers keep their (so-called) contracts, and I shall be glad if it may serve to show them it will be to their advantage to deal more honestly with foreigners, or, in other words, to do as they would be done by. It would be interesting to hear the dealer's own account of such transactions as I have mentioned above, and what excuses they can give for their continued breach of faith in keeping contracts.

One of the chief causes of England's great commercial success has been the integrity of her merchants, and if the Japanese have any wish for their country to attain a corresponding position, the first thing they must do is to honourably keep their contracts, whether written or verbal, and not, as at present (with foreigners at least), to take every possible opportunity of getting out of them when affairs have taken a turn they did not anticipate at the time of entering into them. They would do well to remember one of the sayings attributed to Confucius, which runs somewhat as follows:—"A man who enters into a speculation and sees only the profit and not the loss, is like unto a fish which sees only the bait and not the hook,"

Since writing the foregoing there has appeared in the *Japan Mail* of 23rd August an article on the new Commercial Code which ends up with the following sentence: "Is the Japanese tradal system so very unlike the American or European? Many people would be pleased to have instruction upon this point." I venture to think Sir, that what I have written above may be to a certain extent an answer to this question.

I remain, Sir, your obedient Servant,

AN IMPORT MERCHANT OF 25 YEARS EXPERIENCE IN JAPAN.

Yokohama, 26th August, 1890.

Enclosure 2. Mr. Dewitt's No. 150.

The Japan Daily Mail.

Yokohama, Saturday, August 30, 1890.

JAPANESE IN THEIR DEALINGS WITH FOREIGNERS.

JAPANESE who care to see their foreign trade prosper and the good name of their people established will read with very great regret the letter published to-day in our correspondence columns. The statements made by the writer are neither partial nor prejudiced: he represents the best class of foreign import merchants in Yokohama, and his account must be accepted as a trustworthy description of what actually occurs. It is a disheartening account. What it tells us is simply this—that in transactions with foreign importers the Japanese merchant is indifferent to the dictates of good faith. If, in the interval between ordering goods and their arrival, or between signing a contract and the date of its implement, the market happens to go against the Japanese, he contrives to evade his obligation by subterfuges against which the foreigner has practically no redress. In cases where the law ought to provide a remedy, the foreigner shrinks from any appeal to it, knowing by dearly bought experience that, in the present state of Japanese bankruptcy law, the expense and delay of pursuing a debtor are generally the only results a creditor has to show. On the other hand, if the foreigner seeks to take advantage of the market, the Japanese strenuously protests. Even where exchange is in question, although the native dealer will not hear of making any concession should rates have gone against the foreign importer, he fully expects to share whatever advantage may have accrued from a rise in the sterling price of silver. In short, an entirely one-sided state of affairs exists. It is all take and no give on the part of the Japanese.

One marvels, of course, that trade can be carried on under such conditions, or that the shrewd and helpful foreigner submits to be treated in such a fashion. But on the whole it must be presumed that the balance is on the side of transactions conducted with tolerable punctuality on the Japanese side and leaving a fair margin of profit to the foreigner. What chiefly interests us, therefore, is the question, why should Japanese commercial morality be so low at the principal emporium of the country's foreign trade, and why should Western merchants be unable to devise a means of protecting themselves against such selfish and unprincipled treatment? It has often been inferred, and we cannot be surprised at the inference, that the Japanese trader is everywhere as bad as his Yokohama representative; everywhere as grasping and everywhere as unscrupulous. It is not so, we think. No one will pretend that commercial morality in Japan stands at the level which it has reached among the most advanced Western peoples. It would be extravagant to look for anything of the sort. Commercial morality, like all other products of high civilization, is a plant of slow growth, requiring special conditions for its development. Until recent times the conditions were unfavourable to it in Japan, and twenty years have not by any means sufficed to convert the despised and comparatively unscrupulous trader of feudal days into the respected and high principled merchant of nineteenth-century Europe. But it would be unjust to conclude that Japanese merchants, in their dealings with one another, show the same want of integrity and the same grasping selfishness that disfigure their conduct in transactions with foreigners. Even the strictest moral canons are not entirely proof against the influence of circumstances, and it is easy to see that circumstances in Yokohama are singularly favourable to the indulgence of faults such as our correspondent describes. The Japanese dealer is relieved from two restraints, in the absence of which honesty and fairness would be comparatively rare anywhere: he fears the law very little and public opinion not at all. Only the most flagrant fraud will drive a foreigner to native courts, and the Japanese tradesmans knows this well. Equally well does he know that, whatever wrong he may do the foreigner, his own character will not be blasted among his people. For these can only learn just so much of his performance as he chooses to tell them: they do not hear the foreign version, and if they did they would naturally prefer that of their own countryman. Thus neither penalty of law nor punishment of public opprobrium stands in the way of chicanery. The absence of both these deterrents signifies a great deal in Yokohama, and would signify a great deal anywhere. It is supplemented, two, by other circumstances peculiarly convenient for the Japanese.

The foreign community in this settlement is made up of a dozen different nationalities. Combination is impossible among such heterogeneous units. Competing keenly with a number of shrewd rivals, the foreigner is ready to extend every possible indulgence to the Japanese. Deceived, he will trust again; treated with the scantiest consideration, he will still be indulgent; his margin of profit reduced almost to a vanishing quantity, he is ready to make fresh concessions. And all the while he seems to prosper for he lives and fares luxuriously. Moral equilibrium much less stable than that of the Japanese trader might be shaken by such temptations. So the foreigner is mercilessly preyed upon. Probably the Japanese, when they combine to force his hand, or when they separately devise subterfuges to baffle and pretexts to deceive him, laugh at the notion that he cannot and does not protect himself effectually. They estimate his shrewdness and fertility of resource so highly that even if the good rule of give and take occurs to them, they dismiss it with the thought that they themselves stand in more need of its application than the wily, hard-headed foreigner. A letter like that of our correspondent ought to open their eyes; ought to show them that their conduct has created an evil impression of Japanese character among foreigners, and is largely responsible for the reluctance shown by so many Yokohama folks is trust Japanese promises in any direction, or to admit that confidence may be placed in the integrity of Japanese tribunals and the impartiality of Japanese administration.

Is it inevitable that the foreign merchant should submit to this treatment? We fear so, for the present at all events. Any one of three remedies would be effectual, but all three alike are unavailable. The first is combination among foreign importers. A union the members of which pledged themselves to have no dealings with any Japanese who violated an agreement, would soon correct the situation. Such a union is out of the question. So too seems to be the second remedy, return to the custom of exacting bargain money. Apparently competition among foreigners is too keen to permit this, an obstacle to be regretted, for certainly no more effective check could be imposed on the loose practices now in vogue. The third remedy is partnership between foreigners and Japanese. On such partnerships, unfortunately illegal pending Treaty Revision, we base our chief hope for the inauguration of a wholesomer state of things. At present the hand of the Japanese is distinctly against the foreigner, and will remain so until the artificial partition now holding the two asunder is removed. There are undoubtedly many Japanese of honour and integrity who would glady combine with foreigners for purposes of industrial and commercial enterprise if the law permitted such association. When, and only when, this is possible will it be practically understood that Japanese and foreigners are equally interested in developing the country's external trade and equally entitled to share its profits. At present it is idle to complain. Everything is in favour of crooked and selfish dealing on the part of the Japanese, and they will continue to deal crookedly and selfishly until their relations with foreigners are radically altered. Meanwhile we can only warn them that it will be difficult hereafter to wipe out the reproach which their present conduct is bringing on their nation.

Enclosure 2 in Mr. Dingle's No. 150

DUPLICATE

THE JAPAN GAZETTE.

YOKOHAMA, 4TH SEPTEMBER, 1890.

JAPANESE ETHICS OF COMMERCE.

THE Japanese merchants, or rather a very considerable proportion of them, must indeed be, commercially, deeply iniquitous when such a champion of native integrity as our morning contemporary cannot repel the indictment which has been uttered against them. The letter written by "An Import merchant of 25 years' experience in Japan" is, we think, the strongest *exposé* that has ever been made of the barefacedness displayed and the coercion practised by vernacular merchants in their dealings with the foreign importer. His letter was studiously moderate in tone, and therein lies much of its weightiness; but, at the same time, he ruthlessly unmasked the almost total lack of commercial integrity as understood by honest traders, and the black methods the native merchants adopt that they may enforce their unscrupulous demands. And not slightly interesting is it that this should have been done through the medium of a pro-Japanese vehicle. Of course, the peculiar canons the native merchants entertain in regard to contract and in other phases of of trade dealing have long been wholly patent to us all, but we do not remember that there has ever before been such an open disclosure, one which so truthfully mirrors the native merchant and his modes, and one which will operate with greater disillusionizing force wherever there exists a thought that commercial morality has any considerable following in Japan. We question if such a delineation of dishonest subterfuge, of chicanery, and of desire to shirk all responsibility could, even on a tremendously reduced scale, be applied to any other body of traders in the world. Japan, it appears to us, is pre-eminent in these lamentable features, and the longer such a state of affairs lasts the more and more discredited will her merchants become in the minds of those who entertain any conception whatever of the inviolability of contract. So infinitesimally does a Japanese estimate the bonds into which he enters—obligations which elsewhere would be honourably carried out—that "the sad and undoubted fact remains that no foreign importer looks upon a Japanese contract as more than a memorandum." This is the beggarly standard at which an order, or indeed a promise to meet payment, from a Japanese merchant—not a pettifogging retailer—is appraised, and its moment certainly is not greater.

Various ways of reforming the evil state of affairs existing to-day have been suggested by a contemporary, but it no sooner mentions than it sees objections. It, however, bases its "chief hope for the inauguration of a wholesomer state of things" on "partnership between foreigners and Japanese!" It would be difficult to imagine a more astounding proposition, or one less likely to meet with any favour. We may immediately dismiss this suggestion with the remark that one would never dream of associating himself in partnership with those who had bled and fleeced him. If the laws are not to-day retributive as between buyer and seller, they could not be more so between partner and partner; and, we must further remember that a man who persistently breaks faith with those with whom he deals is not less likely to engage in the same proclivity when his partner is concerned. The remedy, if remedy be possible, clearly rests with the foreign importer. It is idle to hope for a time when Japanese merchants will see the foulness of their present conduct in the absence of the initiation of a didactical policy. The interests of foreign merchants are, in a great measure, mutual, and, although the competition between them may be exceedingly acute, we do not see in that circumstance any real barrier against the initiation of such a system between seller and purchaser as would, at any rate, minimise breach of faith on the part of the Japanese—say the stipulation for bargain money, also cash on delivery if it be possible. Without the enforcement of some such condition as the latter, one of the main evils would be left untouched. Japanese merchants have proved themselves untrustworthy, and therefore it is but meet they should be treated as such. All that is required is preconcerted and united action and, as we have before said, we fail to see the unfeasability of this plan of campaign unless we have to confess, and we should regret to do so, that there are foreign merchants here who are ready to truckle to the captious artifices, the deceit, the inconstancy and the consummate audacity of those who have shown themselves the reverse of honourable and those who burlesque commerce in the vilest way.

Enclosure 4: Mr. Knight's No. 150.

The Japan Daily Herald.

THURSDAY, 4TH SEPTEMBER, 1890.

Japanese Mercantile Morality Arraigned.

A CORRESPONDENT of a contemporary, who signs himself "An Import Merchant of 25 years' experience in Japan," has ventilated several of the tricks to which foreign importers are subjected by the chicanery, the unconscientiousness, and the breaches of faith and of contracts by which they are victimised in their dealings with the Japanese with whom they trade. The picture which he has presented of native over-reaching and rascality is certainly not overdrawn, nor is it all too highly colored. He has stated nothing but what is well known to members of the commercial community, and his long list of grievances might be considerably extended without either passing the limits of truth, or exceeding the bounds of dearly bought experience. Even the *Japan Mail*, the erewhile universal apologist for the Japanese, has been constrained to admit that the statements made by the writer in question, "are neither partial nor prejudiced; he represents the best class of foreign import merchants in Yokohama, and his account must be accepted as a trustworthy description of what actually occurs." "It is," says the *Mail*, "a disheartening account." No doubt it is disheartening enough to those who have sought to palm off on the public ideas foreign to the realities of life here. But it contains nothing new. It merely puts upon public record some of the difficulties with which business is environed in this country. Difficulties which are the outcome of the general, nay it is not too much to say, the all but universal lack of probity which the Japanese manifest in their commercial dealings. Neither as buyers ought they to be, nor as sellers can they to be trusted. Dishonesty in either word or deed may be looked for with a shameful, but reasonable certainty, to crop up in nearly every transaction in some shape or another. The slightest pecuniary temptation suffices to cause the Japanese to deviate from the path of rectitude. Contracts, whether verbal or written, are equally made to share the same fate; they are neither saved from violation by a sense of honor, nor by any adequate legal restraint. In the words of the *Mail*, the Japanese with whom foreigners have to deal, "fear the law very little, and public opinion not at all. Only the most flagrant fraud will drive a foreigner to the native courts, and Japanese tradesmen know this well. Equally well does he know that his own character will not be blasted amongst his people. * * * Thus neither penalty of law, nor punishment of public opprobium stands in the way of chicanery * * * So the foreigner is mercilessly preyed upon, which has created an evil impression of Japanese character among foreigners, and is largely responsible for the reluctance shewn by so many Yokohama folks to trust Japanese promises in any direction, or to admit that confidence may be placed in the integrity of Japanese tribunals, and the impartiality of Japanese administration."

It rarely occurs that we can quote from the *Mail* so much of truth as the foregoing observations contain,—it has been quite a public surprise; it would not have been right to let the rare occasion pass. When similar observations have been made in other columns than its own, it has sought to repel them by coining charges of scurrility, prejudice, or ignorance against those who have advanced them. Having accepted a retainer for the defence of Japanese character and doings, it has, when it had no case, which was often, to have recourse to the Pickwickian expedient of abusing plaintiff's attorney. Its conduct therefore, upon the present issue is as unusual as it is refreshing, and it is deserving of the recognition we afford it.

But since several ugly facts have had, by force of circumstances, to be admitted, the *Mail* with its characteristic ingenuity and slipperiness has had to cast about for something to offer by way of palliation, or excuse for conduct so universal,—so shameless in its effrontery, yet it really admits of none worth urging. Its Editor is not willing to agree, he says that "the morality of the Japanese Merchant is as good as the morality of Merchants in the west,"—but nobody ever had the hardihood to assert that,—the proposition is not one which he says he he could endorse, "inasmuch as tradespeople in Japan have always been a despised class; and not expected to shape their conduct with any high principles of probity and integrity, whilst the *samurai* was taught to despise money and all money getters, and he naturally learned at the same time, not to look for admirable qualities amongst folks condemned to a contemptible calling."

We know that the military class here in former times, as in other lands, gave themselves airs of superiority, whilst they loafed and impudently preyed upon the industry of the workers they affected to despise, who were made to minister to their consequence, and upon whom they were not above depending for their maintenance. But that sort of thing has gone to the limbo of the past; it went out with feudalism, and the newer generation has been lifted by the force of circumstances out of the mire in which they were formerly trodden down. We have, however, no reason whatever to conclude, that the natural instincts of those in trade with respect to probity and fair dealing, or the reverse, are different to those of other classes. The arrogant and unsubstantial pretensions of the *samurai* have been exploded, and no class, in our opinion, ought to be more or less trusted than another. History records that even in times remote from this, lying and treachery were by no means absent from the conduct of the *samurai*, notwithstanding that there are some occasional exhibitions of romantic honor, valor, and fidelity to be found recorded in contemporary annals, or recounted in traditions of an

apocryphal sort repeated orally from generation to generation.

The *Mail* at this time wants to know "why should Japanese commercial morality be so low at the principal emporium of the country's foreign trade?" It fain would hope "that the Japanese trader is not everywhere as bad as his Yokohama representative, or as "grasping," or as unscrupulous." But at present, neither the Editor, nor anyone else seems to be enabled to tell where these model Japanese merchants which his paper has told us so oft of, are to be found. Formerly it used to be the fashion on the part of the writer to allege that the genuine article was only to be met with somewhere beyond treaty limits, but always in parts unknown; that behind the depraved and rascally persons with whom foreigners dealt at the treaty ports, merchants of honor and probity were somewhere or other to be found. Alas! for this alluring fable, it now is made manifest that these gentry instead of coming to the front in their transactions, prefer that intermediates, men of straw, shall make their contracts with foreigners to be repudiated or broken at convenience, if the turn of the market should render the honest carrying of them through unprofitable. We fear, since he makes no appearance on the scene, that the superlatively honest native merchant, whether a *samurai* or *heimin*, has only a mythical substantiality,—a mere coinage of the brain of our contemporary.

The *Mail's* endorsement of its correspondent's allegations concerning the majority of the mercantile class, may be regarded as fatal to the pretensions of the different classes in the empire to rank on an equality with other civilized communities. Philosophically speaking, as their physical attributes are of the some general type,—there being but little variation in the race,—it follows as an incontestible corollary, that the mental characteristics and idiosyncracies of the Japanese people will necessarily have an all prevailing typical resemblence, slightly differentiated it may be by the accidents of social position and educational culture. This is true of every other nation, and therefore by parity of reasoning, must be equally so of the Japanese. To attempt to discriminate between whole bodies of men in one walk of life, in comparison with those in others, with the object of pretending that one large class,—that engaged in trade,—is inferior in its moral instincts to the rest,—is an assumption as baseless as it is unphilosophical. Nations must be judged of by the mass; individual exceptions there are, of course, but by reason of their being individual, they are exceptional. When an unfavorable judgment is passed on what is characteristic of the trading thousands, judgment is virtually given on the whole nation. The *Mail's* affected distinction between the attributes which it claims for the *samurai*, falls to the ground,—it cannot be sustained. Morally speaking, the bulk of the Japanese people conform to one standard, no matter whether it be their physical, moral, or intellectual capablities that are taken into consideration and compared.

Under these circumstances, it is certainly astounding to find that the remedy, which the *Mail* propounds as an antidote to the national proclivity to the practising of so much that is base, is that foreigners, when legal disabilities shall have been removed, should secure salvation by entering into partnerships with Japanese; that is to say, they are invited to put their trust in a race who by their actions have over and over again conclusively proved up to this, that they are disentitled to it. Yet it is on such very unlikely and unpromising partnerships, that the *Mail* says it "bases its chief hope for the inauguration of a wholesomer state of things." "At present," it goes on to observe, "it is idle to complain. Everything is in favor of crooked and selfish dealing on the part of the Japanese, and they will continue so to deal until their relations with foreigners are radically altered." Why it is "idle" for the foreigner to complain of being cheated, the *Mail* in its meaningless phrase mongering, does not condescend to explain. But it strikes us that after what foreigners have undergone, if they should be so egregiously foolish as to put their purses into the hands of those whom they are taught by experience to distrust, it would then indeed be idle to complain of being subsequently cheated. But we must not forget that as with the mercantile class as known, the *Mail* has as usual, a convenient reserve in the back ground, for emergencies of this kind, of men of "honor and integrity," who it feels assured "will be found ready to gladly combine with foreigners for purposes of commercial and industrial enterprise." We are quite willing to hope, even if we find some difficulty in believing, that there is just a possibility of its being discovered that there are persons of that kind in existence, but it is unfortunate that they should so modestly and successfully conceal their merits, that it is open to question, that were a second Diogenes to make diligent search for them, though aided by a lantern at noonday, his quest would stand an excellent chance of being unsuccessful. If this be true, the more's the pity that it should be so. In the face of the revelation of all the unpleasant facts which have found their way into print, the warning of the *Mail*, given to its clients should not pass altogether unheeded, "that it will be difficult hereafter to wipe out the reproach which the present conduct of the Japanese is bringing on their nation." Certainly revision of mercantile malpractices and the exhibition of a little ordinary honesty in Japanese daily dealings would seem to be decidedly a more paramount consideration than treaty revision itself. Surely it is something more worthy, as well of individual effort, as of national aim, to acquire some reputation with the world at large for probity of dealing, and the practice of an honorable truthfulness in the relations of life. Fraud and double dealing, in the long run, will not be found to pay. Capital

which is mostly timorous, will be repelled from a country whose economic attractions are of the slenderest, and the inhabitants of which have earned as yet, after thirty years' of commerce, no character for trustworthiness. To elevate the status of the nation in the estimation of the peoples of other countries by the practice of ordinary every day virtues, would betray a worthier, as well as more useful ambition, than the manifestation of a fretful and foolish impatience to bring foreigners under laws, which the Japanese have confessed their incapacity to make by their employment of foreigners to make them for them. These laws some of the Japanese have been sufficiently honest to give intimation of their not being able to understand, and they will be attended with such difficulties of administration as to ensure the exhibition of an incapacity that will be as troublesome to foreigners, as humiliating to themselves. The practice of ordinary mercantile morality in dealings with foreigners should first if possible be reached: that would seem to be an essential prelude to the Japanese being trusted with the exercise of higher powers. The failure in the one should bar or postpone the realization of the other, for who could rationally urge that it would be safe to put the lives, liberties and fortunes of aliens into the hands of a race whose commercial dealings have bred so much distrust as well as disgust, the romantic, and not altogether sincere drivelings of gushing globe-trotters, or the misrepresentations of ignorant or interested writers to the contrary notwithstanding. Notorious facts such as these which "An importer of twenty-five years' standing" has declared to be the result of his experience, will go far to dispel the illusions which hitherto have been suffered to prevail, and the sooner the better it will be for all parties. Japanese vanity, encouraged by flatterers, has become rampant, overbearing, and exacting, it is more than high time that truth and common sense should come to the front, that their united pleadings be heard, and due weight and proper recognition be given them.

No. 151.

DIPLOMATIC BUREAU.
OCT 18 1890

DEPARTMENT OF STATE
OCT 16 1890
RECEIVED.

Legation of the United States,
Tokio, Japan, Sept. 15, 1890.

ASSISTANT SECRETARY.
OCT 17 1890

To Treas 20 Oct
Com 20 Oct

Mr. Dwight
To the Secretary of State.

Subject:
Seizure by Japanese Police of U. S. schooner "Halcyon".

Synopsis:
Letter from Mr. Dwight to Vice Consul General Heidmore. - Facts of the seizure justified. Prompt action.

14 enc

No. 151.

Legation of the United States,
Tokio, Japan, Sept. 15, 1890

Hon. James G. Blaine,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith for your information and approval certain correspondence especially including a copy of an advisory communication which, on the 10th day of September, I forwarded to George W. Seidmore Esq., U. S. Vice Consul General, and at the time acting Consul General at Kanagawa.

You will observe that my communication was in reply to

one

one from him to me on the same subject, though at the time I had the affair already under advisement and I would have written him substantially to the same effect had I not received his letter.

It appears that a short time ago -; I have not the date at hand -; the American schooner "Halcyon" was driven ashore and either stranded or wrecked in a gale of wind, on the easterly coast of Japan to the north and not far from the entrance of Yeddo Bay. Her course and position when blown ashore seems to have been inconsistent with an intention to enter Yeddo Bay, but was consistent with a voyage from Hongkong either to

to the North Pacific, to British Columbia, or to the Pacific coast of the United States.

About the 2nd or 3rd of September an American, giving his name as W. A. Whaley came to this Legation asking advice and protection, claiming to represent the owners of the "Valeyan". He represented that the schooner was registered and owned at San Francisco, that she had cleared from Hongkong for British Columbia (I think he named Victoria as the port) and that while on her regular course she was forced ashore by a typhoon. He also stated that she had a quantity of opium on board which had been seized by the Japanese

police

police authorities who claimed a forfeiture of the same for a violation of the laws of Japan.

I at once suspected that the vessel had been bound on a smuggling enterprise to the states of our Pacific coast. I did not, however, consider it my duty to make such an accusation; but accepted Whaley's statement for what it was worth.

It is proper to mention that in consequence of a communication I had received from the Yokohama Consulate-General, I had, only a day or two before caused inquiry to be made at the Foreign Office in Tokio as to what information, if any, they possessed touching

touching the wreck of the "Halcyon" and had learned that no report had been made to them upon the subject, and that they knew nothing whatever of such a wreck.

From this and other circumstances I was led to suspect that the local police, since they had not made the usual report, might possibly be scheming to either possess themselves of the opium or, by working on the fears of the Captain and owners, obtain some payment or bribe for their individual benefit, and release the suspected cargo without the knowledge of the Government of Japan.

I observed the man Whaley was in a very anxious state of mind

mind and considerably discouraged at the outlook. I said what I could to encourage him; assured him that unless he was engaged in smuggling opium into Japan, he had incurred no forfeiture to the Japanese Government or police and advised him to stand up resolutely for his legal rights. I was not at the time aware, as I have since become, that the "Halcyon" had been under suspicion and surveillance of the revenue authorities of the United States at San Francisco nor that the U.S. Consul General at Yokohama had been engaged in watching her movements under instructions from Washington; though, had I been cognizant of

these

these facts, in the view that I held as to my duty, my course would not have been materially different.

As I before observed, I had suspected, from the first, that the vessel was on a smuggling venture to the United States. But that fact did not, in my judgment, justify the Japanese Government in confiscating or destroying her cargo and, especially, did not afford any good reason for allowing the local authorities to take advantage of the fact to mulct the vessel or owners in a private fine for allowing her to resume her voyage.

Under the circumstances I wrote the letter of advice, a copy of which is inclosed for your consideration

consideration and approval.

I have the honor to be
Sir,
Your obedient servant,
John C. Smith

Enclosures:
W. H. Seward to Wm. Smith, Sept. 8.
Wm. Smith to W. H. Seward, Sept. 9.

Enclosure with Mr. Swift's No. 157

Copy.

No. 4087.

United States Consulate General,

Kanagawa, (Yokohama) Japan,

September 8, 1890.

His Excellency,

John F. Swift,

Envoy Extraordinary and Minister Plenipotentiary of

the United States of America,

Tokio.

Sir:

For your information, I have the honor to transmit here with copies of my despatch No. 258, addressed to the Department of State, of a letter to me from the Superintendent of Customs at Yokohama, and of my reply thereto, all dated September 2, 1890, and relating to the seizure by the Japanese authorities of a cargo of opium landed from the schooner "Halcyon", of San Francisco, in Chiba Ken.

I have the honor to be,

Sir,

Your obedient servant,

GEORGE H. SCIDMORE,

Vice Consul General.

Copy.

No. 98.

Legation of the United States,

Tokio Japan, September 9, 1890.

George H. Scidmore Esq.

Vice Consul General of the United States,

Kanagawa.

Sir:

Your communication No. 4087, dated September 8, inclosing for my information copies of your despatch to the Department of State and certain other papers concerning the schooner "Halcyon", of San Francisco, and her cargo recently wrecked or stranded on the Japanese coast, has just been received by me; and, in view of the fact that the matter seems urgent, the property being valuable and all the circumstances requiring prompt action, I hasten to answer. In connection with the same affair I have now to inform you that Mr. M. A. Whaley, doubtless the same individual of whom you speak in your despatch to the Department of State, and claiming to represent the owners of the cargo and vessel, appeared before me at this Legation and made a statement of what he claims to be the facts of his case and at the same time claimed the protection of the United States. In support of this claim for protection he stated that the "Halcyon" cleared from Hong Kong for British Columbia and while the vessel was in the regular prosecution of her voyage, and with no intention of entering into any port of Japan , was driven by stress of weather on the shore where she now is and was wrecked. That the vessel had

on

on board a considerable quantity of opium. That the japanese authorities had seized the vessel and cargo on the pretended ground that he was violating the laws of Japan and declared that they intended to deprive the owners of it and to either keep or destroy it. The man seemed to be laboring under considerable alarm and discouragement and it seemed to me that there was danger that the consequence of this discouragement he might abandon whatever rights he and the owners might have. After hearing his story, I gave him my opinion without hesitation that, under the state of facts as he had given them, the Japanese authorities could not rightfully hold his property but must and no doubt, upon understanding the facts, would give it up. I also advised him that in any case the property could not be taken from him except by the judgment of a competent court after a fair trial in which he would have a hearing, and that the court was that of the United States Consulate General at Yokohama. Without claiming any right to instruct you, but in view of the long delay it will take you to get a reply from the Department of State; and in my functions of Minister in exercising a general supervision over the Consulate General for the protection of American interests, I will advise you that the only matter that can be enquired into at such trial will be as to the offense, if any, the vessel, cargo or owners have committed against Japan. Any prosecution or Engagement beyond that will be in excess of the power and duty of the court.

Anyother offense they may have committed or ~~intended to~~

or intended to commit will be wholly outside of the case. By Article IV. of the treaty of 1858, the inportation of opium to Japan is forbidden to American citizens or vessels. And any American vessel coming to Japan for purposes of trade, having more than three catties, four pounds, of opium on board such supplies shall be seized and destroyed by the Japanese authorities. By Article IV. of the treaty of 1878, claims for forfeitures made by the Japanese Government for such violations are to be tried before the United States Consul. The charges against the "Halcyon" and her cargo will be enquired into and determined by the United States Consul General at Yokohama. According to my construction of the law, the sole questions to be determined upon at such enquiry and trial are: first, whether or not the vessel in getting stranded or in any other way has been guilty of willingly and voluntarily importing opium into Japan: second, was she an American vessel which having come to Japan for purposes of trade, was found with more than three catties of opium on board. If she does not fall within one or the other of these catagories, then, so far as existing treaties are concerned, she has committed no offense against Japan, she is simply an American vessel with an American cargo on board, wrecked or stranded on the Japanese coast and, as such, entitled to the protection of the United States. These questions it is your duty to enquire into and determine as promptly and ~~and~~ with as little delay as possible and to release the vessel and property from seizure and cause it to be restored to its owners if you find

her

her innocent. I observe that in your despatch to the Department of State you report that you have informed MR. Whaley, as agent for the owners, that the Japanese authorities have a strong case against the vessel and cargo and that his only remedy is to procure from the United States Consul and the Custom-House at Hong Kong satisfactory proof of the truth of his statements. I also observe that you have interviewed the Captain of the vessel, Alfred Metcalf, who tells a different story to the effect that the vessel cleared from Hong Kong not for British Columbir but for the North Pacific in an indefinite manner. I cannot help thinking that in restricting the testimony, that may exculpate the vessel from the only charges that Japan can make against her, to that of the U. S. Consul and Custom-House at Hong Kong you will be depriving the owners of the vessel of rights that justly belong to them. It appears to me that any legal evidence admissable in courts of justice tending to show that the "Halcyon" at the time she was wrecked was neither in the act of importing opium into Japan nor in Japan for purposes of trade, is lawful testimony and if convincing to the court, must be conclusive of the case in favor of the owners and against the claim of Japan. It is the claim of Japan against the vessel that you are to examine, and for an American vessel with opium on board, no matter how great a quantity, to "clear from Hong Kong in an indefinite way" is not an injury to Japan nor a violation of the treaties the United States have with her. And when an American vessel with such cargo and clearance is driven by

stress

stress of weather or other accident on the coast of Japan and wrcked, there is nothing in the nature of her cargo and clearance to prevent proof being received that she was bound to the North Pacific, British Columbia or indeed and place in the World other than Japan. It is true that if the regular and proper course of the vessel in sailing to her assumed destination would take her to a place very distant from where she was wrecked, her being so far away from her course would be a suspicious circumstance and one making in favor of the Japanese contention that she was importing opium into the country. But even that would be overcome by satisfactory proof of good reason for the vessel being out of her course. Mr. Whaley, in his conversation with me, in addition to declaring positivly that the vessel was not voluntarily in Japan and especially that she was not there to import opium against the law, stated amongst other things that there is little demand for that drug in Japan and, consequently, no such profit on its sale as would justify any one taking the risks of smuggling it into the country. If this is true it is a circumstance to be duly considersd and to be weighed along with other evidence in determining the probability that the vessel was either fraudulently stranded or actually wrecked in an effort to unlawfully import opium into Japan. In the hasty examination I have been able to make in this matter I have not overlooked the possibility, indeed the extreme probability, that the real destination of the "Halcyon" was our own American

coast

coast and that an attempt was in contemplation of smuggling the opium into the United States, through the Pacific frontier in violation of our revenue laws. In fact that seems so much more likely than that she was smuggling it into Japan that I should not be in the least surprised if the same suspicion had entered your mind. But I do not see how that can effect the enquiry you have in hand. It seems more than doubtful if, the fact were known, it could make any difference in the duty the United States authorities here have to perform in the protection of the vessel and cargo as American property accidentally wrecked in Japan against the claim of the Japanese Government to forfeit the same. I am not aware of any act of Congress or other law requiring an American vessel accused of violating the laws of Japan, before receiving the protection of the Diplomatic and Consular officers of the United States, to prove that she was not intending to smuggle or otherwise break the laws of the United States at the end of her voyage.

If there is a statute withdrawing our protection from a vessel so employed, which is entirely within the power of Congress to enact, it will, of course, alter the case. But in such case there would have to be a judicial investigation, for certainly a citizen of the United States cannot be outlawed, either as to person or property, upon mere suspicion; and I know of no process by which such investigation can be made by United States officials in Japan. But let this be as it may there surely is no Act of Congress that will forfeit to Japan vessels or property, cast upon her shores by shipwreck while upon the high seas in transit to the United States,

as

as a punishment inflicted upon American owners for an intention to violate our revenue laws. If the "Halcyon" was driven on shore in Japan while pursueing a voyage the end of which was to smuggle opium into the United States, the offense was committed against that country and not against Japan and to the United States alone is due the forfeiture. And whether that forfeiture can be considered to have accrued when the vessel has not reached within 4500 miles of the place where the offense is to be committed, is a question of extreme doubt to say the least.

Placed as the Diplomatic and Consular officers of the United States are, in foreign lands, for the protection of American interests and American rights of person and property, they will generally be safe within the line of duty when they act upon the legal presumption of the innocence of a voyage or enterprise till the contrary is lawfully established and insist that their countrymen shall have and enjoy all rights, privileges and exemptions due them by treaty, law or custom.

If the "Halcyon" did not import opium into Japan or, otherwise, violate the treaty, the vessel and goods must be surrendered to the owners. If when they are returned you have reason to suspect an intention on the part of any one to smuggle opium into the United States, in violation of the revenue laws, it will be your duty to give such notice and take such other proceedings as the statutes and laws of the United States require at your hands.

I am Sir,
your obedient servant,
JOHN F. SWIFT.

Mr. Cridler.

No. 152.

DIPLOMATIC BUREAU.
DEC 17 1890

DEPARTMENT OF STATE
OCT 16 1890
RECEIVED.

Legation of the United States,
Tokio, Japan, Sept. 18, 1890.

Mr. Dwight
To the Secretary of State.

Subject:
Treaty Revision.

Synopsis:
Comments on Anti-Treaty-Revision Resolutions adopted at Yokohama.
— It would be better for all concerned to allow Consular Jurisdiction to remain in force till Laws and Courts are perfected.
— But what if Japan will not consent?

No. 152.

Legation of the United States.
Tokio, Japan, Sept 18, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

Referring to a despatch that will go by the present mail and the enclosures, giving the particulars of the anti-revision treaty meeting recently held at Yokohama, and to the resolutions passed at that meeting, I venture to offer some suggestions that I hope may prove worthy of your consideration as tending to throw further light upon the subject.

You will doubtless gather from the

the excerpts enclosed with the above mentioned despatch that the action of the foreign residents of Yokohama in assembling and adopting the resolutions has given rise to a good deal of indignation amongst the Japanese generally. This is not only shown by the heated style and tone of the articles, appearing in the vernacular journals, on the subject; but my private information convinces me that a great deal of angry feeling exists because of the affair. This circumstance moves me to call your attention to one rather curious effect likely to result from the meeting at Yokohama. It seems to have had a strong

tendency

tendency to unite Japanese opinion, which has hitherto been divided, and to bring everybody to the support of the treaty-revision projects of the Government and materially strengthen it in pending negotiations.

I have, as you will remember, in many former despatches, called your attention to the manifest dread Japanese, especially capitalists merchants, manufacturers and professional men, entertain of the business competition of foreigners. This feeling cannot be described exactly as hostility so much as a dread or fear on the part of the Japanese that they will be overweighted and peacefully put under foot by the

masterful

masterful European and American. It was this feeling, acting in part spontaneously, and to some extent factitiously moved upon by the political rivals of Count Okuma, which produced the attempt upon the life of that statesman and the defeat of his treaty-revision plan of last year.

This dread of throwing the country open to foreigners is still as strong as ever and it is very doubtful, in spite of all, whether any treaty that squarely stipulates that foreigners shall have the unrestricted right to do business and acquire and hold property throughout the country on an equal footing with

with natives will be acceptable to the people of Japan. For the moment, however, it seems that the fact that the foreign residents of Yokohama do not want the new treaty, as prepared, has been quite sufficient to unite the Japanese in a demand for its immediate adoption.

As regards the opinion of the foreign residents of Yokohama, as expressed in their resolutions, to the effect that the time has not yet arrived when foreigners can, with safety, be brought under Japanese jurisdiction, there are strong reasons for thinking that, considering the question quite by itself and as one that foreign powers by a mere

Exercise

exercise of will could settle to the satisfaction of all concerned, it would be better for both parties if the present relations between resident foreigners and Japan, in matters of jurisdiction, could be continued without material change for another quarter of a century, during which the laws could crystallize, the bench and bar of the country have time to study and develope, and the people obtain at least some vague notion of the rules by which their conduct is to be prescribed.

In Europe and America the necessary legal presumption that every man knows the law of the land, has at least some little foundation

foundation in fact. Their laws have been regularly evolved out of the people's needs, are written in their language and, in a general way, are known to them. To say that anybody in Japan, native or foreign, outside of the legal profession now has or is likely to have, at any early day, a practical idea of the law of the country as it will be when the new codes are in force, would be utterly absurd. As to the great mass of the Japanese, they cannot have the faintest suspicion of it before being informed from the bench, as the final result of actual litigation. It is not strange that foreigners who have been settled for many years in

Japan

Japan, as is the case with the gentlemen who attended the Yokohama meeting, should contemplate with anxiety and uneasiness, if not positive alarm, the prospect of being compelled to give up the laws and jurisdiction of their own countries and to come under those of Japan hereafter to be adopted, no matter how wisely drafted by M. Boissonade de Fontarabie and administered by judges of the country, however well-meaning and honest of purpose. In this connection it is but just to say I have not heard any imputation of corrupt practices alleged against the Japanese judiciary. But it

is

is asserted by foreigners that ~ Japanese judges, out of sympathy with their own people in what they are apt to think is an unequal contest with the sharp, shrewd and educated European does sway them in their decisions. This does not seem to me to be improbable. *

It is, however, acknowledged on all sides that foreigners do often succeed in cases brought in ~ Japanese courts against natives and get judgments in their favor. But it is said, which seems not improbable, that the most of these cases have been of that class ~ wherein in all countries the plaintiff succeeds nine times out of ten, such as proceedings against delinquent debtors

debtors to obtain payment for goods sold; and actions on notes and bills of exchange. But it is said, also, that after the judgment is obtained it is apt to be of little value as the process for enforcement often fails, and the plaintiff who has gained his case in court, is defeated on the execution. To compel an unwilling debtor to satisfy a judgment requires not merely a writ of execution, but a non-sympathetic sheriff, with an impartial court back of him.

That this state of things will improve very materially within a generation is considered by many intelligent people long resident in the country as exceedingly improbable.

It is perhaps natural at first to think that the main and principal risk to foreigners being brought under Japanese laws is the danger of being subjected to the criminal laws, courts and proceedings, rather than the civil, just as life and liberty are always valued above mere property. I am somewhat disposed to doubt this, and to hazard the opinion that, as a rule, Japanese criminal jurisdiction and laws are not so likely, in the long run, to inflict unendurable hardships upon foreigners as will the civil courts and proceedings. Of course, there is some danger that under a system so new and unpractised there will, in the nature of things

things, be exceptional instances of wrong and injustice, if not of positive outrage in both directions.

And when an act of oppression occurs in a criminal proceeding it always gives a shock to the mind of those who hear of it, just as physical suffering always appeals more sharply to our sympathies than mental. The world would not feel half so strongly at reading an account of a man being cast in a suit involving many thousands of dollars resulting in his financial ruin, as at hearing that the same man had lain all night, ironed, in a damp jail or had been hung up by the thumbs for fifteen minutes. But while

while there is good reason to anticipate that, in the vast majority of cases criminal procedure will be humane and trials fair, possibly in many instances unduly lax especially in case of foreigners, yet, inasmuch as there is some danger that there will be occasional exceptions, possibly of a shocking nature, in spite of all the Japanese authorities, with the best intentions, can do, it is a pity, in the interest that both of Japan and our own people, some special guarantee may not be secured for them.

You will possibly remember that in my despatch No. 42 dated September 6, 1889, I suggested something like the jury de medietate linguæ

lingua of the common law, as a safeguard that would not touch the susceptibilities of Japan inasmuch as it had been conceded by England for centuries and would be of great benefit to foreigners resident in the country. They need not to go by the name of "jurors" nor be fixed at the sacred number of twelve but could be called "assessors", or some such name, invited in to assist and sit with the court, without control of the proceedings, but with a voice in the verdict. I beg again to press this matter upon your attention. But after all that has been said about the dangers of being subjected to the laws

laws of a country where torture has only recently been abolished and where there exists neither "habeas corpus" nor "trial by jury," there is reason for thinking that the hazards of a shifting and uncertain administration of the civil laws and courts involve a more serious jeopardy to foreigners in Japan than any of the criminal matters above referred to. Of course, the first consideration with the United States will be to protect and care for the property interests of its merchants and the residential rights of its teachers and missionaries settled in Japan. If property is not reasonably secure, and contracts enforced, the

circumstance

circumstance that American citizens are not subjected to torture as witnesses or when accused, nor to cruel and unusual punishments when convicted of crime, will not keep our merchants in the country nor preserve our commerce from decay. It cannot be said that the lives of foreigners in Japan are subjected, as a rule, to special danger. On the contrary, they are ordinarily as safe as in most countries and more so than in some that claim to be in advance of Japan.

A short time ago an American lady, a missionary, who kept that she had an infant in her arms and was accompanied by a

Japanese

Japanese coolie who drew his cart, had travelled alone several hundred miles through the interior of Japan, making the journey voluntarily, without fear and without molestation. This case was not exceptional, but similar ones are going on all the time. This ought to establish the fact, if it were in question, that the Japanese are a gentle, kindly, humane, law-abiding people and that human life is reasonably, perhaps exceptionally secure. And it would seem to be a fair inference that if foreigners at any time find the country unendurable and leave it, the cause will not have been barbarous or cruel treatment outside of what is done under

under color of law that will have led to their expulsion. But an infinite number of unprotected women and children may go about a country in the utmost safety and still the merchant may be deprived of his property and credits through the operation of crude, uncertain and shifting laws and the decisions of inexperienced, prejudiced or partial courts. The number of men in any country who would deliberately insult or injure an unprotected woman with her baby in her arms are perhaps as one to ten thousand of those who would repudiate or disown out of a just debt, and perhaps as one to a million of those who would absorb the estate of a deceased

deceased foreigner and patriotically keep it in this country for their own benefit instead of loyally sending it abroad to his non-resident heirs. The administration and distribution of the estates of deceased aliens has been a weak point in the jurisprudence of the most enlightened states. How would it be under the system now in process of evolution in Japan?

The possibility that, owing to local prejudice and local interest, aliens and non-residents may not obtain justice in the state courts was taken notice of by the framers of the Constitution of the United States and the Federal courts given jurisdiction in their cases.

The

The fear that the Japanese may not be free from a fault common to all nations is a natural one and a legitimate subject of discussion.

None of the draft treaties partially agreed upon or discussed have made any provision for the protection of foreign newspapers printed in Japan. To most Europeans and Americans, especially people from the British Islands and the United States, wherever they are, a newspaper is one of the essentials of life. They expect it to give the news and to express opinions.

Under existing Japanese laws governing the press, it is perfectly manifest that with abrogation of extraterritoriality.

extraterritoriality. Foreign news-papers, such as foreigners wish to read, cannot be published in the country. No matter how careful they may be, it is difficult to see how they can avoid giving c offense and subjecting themselves to prosecution that must end in their financial ruin.

Of course it will be contended by some that foreign newspapers in Japan have no right to discuss political questions or to publish prohibited news. Upon this point I suggest no opinion; but if foreign newspapers are not to be suppressed some special provision must be made for their protection.

Judging by the indications

Less

here, it still seems to me probable that Great Britain is likely, at an early day, to make a treaty with Japan, practically surrendering consular jurisdiction. Of this, however, doubtless you are in possession of absolute information, to which I have not access, and record what the facts are. I meet Americans every day who assure me that they cannot remain in the country and submit to Japanese jurisdiction and laws. I am disposed to doubt whether the case is as extreme as this, though I am sure the gentlemen who make the statement are sincere. The conditions of residence and business, under such a change, would not be

as

as satisfactory as usual; but I entertain the hope that they would still be endurable.

It would seem to be, on many accounts, a matter of regret that the Japanese are not willing to develope their laws and judiciary, leaving consular jurisdiction to stand for the present, and turn their attention to the recovery of their fiscal and tariff autonomy. But suppose they will not. What then? And from appearances the unwillingness to do so is growing. Of course the United States need not surrender the treaty rights of her citizens, if she is not willing to do so, provided she will refuse with sufficient firmness. But will the United States

States, will any Western Power, principal will all the Western Powers firmly refuse, and will they forcefully decline to surrender the status quo? If any one of these things occurs it can be maintained. Otherwise I am unable to see how it is to be done.

I have the honor to be,

Sir,

Your obedient servant,

John F. Swift

Requisition to
Mr Griffin Oct-20

acld
30 Oct

No. 153.

Mr Taylor

Legation of the United States.
Tokio Japan. Sept. 23. 1890.

Mr. Swift.
To the Secretary of State.

Subject.
Requisition for stationery.

No. 153.

Legation of the United States.
Tokio Japan, Sept. 23. 1890.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir:

I have the honor to request that a supply of despatch paper for despatches to the Department will be sent to this Legation.

I have the honor to be
Sir,
Your obedient servant,
Joseph Hart

DIPLOMA

OCT18 1890

DEPARTMENT OF STATE
OCT 16 1890
RECEIVED.

W Taylor

No. 154.

Legation of the United States.
Tokio, Japan, Sept. 23, 1890.

ASSISTANT SECRETARY.
OCT 17 1890

(Answ'd Oct 20 ✓)

Mr. Swift
To the Secretary of State.

Subject:

Anti-Treaty-Revision Meeting of Foreign Residents at Yokohama.

Synopsis:

— Letter enclosed from and answer to the Chairman. — Resolutions adopted. — Newspaper clippings of accounts and editorial comments. —
— General opinion of foreigners resident.

No. 154.

Legation of the United States,
Tokio, Japan, Sept. 23, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that, on the 11th instant, a public meeting of the foreign residents of all nationalities was held at Yokohama for the avowed purpose of opposing the pending scheme of treaty revision, especially that part of it which is understood to surrender the extraterritorial and consular jurisdiction. The meeting was called by publication of notice in all the English newspapers. Four

or

or five days in advance of the time of holding.

Before the appointed day printed copies of the resolutions to be offered at the meeting were circulated in the foreign settlement by which the object was made generally known.

The call for the meeting, as you will observe from the newspaper clippings I have the honor to inclose, was originally addressed to British residents only, and was based upon a real or pretended belief that private intelligence had been received to the effect, that Lord Salisbury is about to agree to a treaty with Japan in which the extraterritorial privileges of British subjects are to be

be abolished.

Before the day fixed in the advertisement for the meeting a supplementary notice was published in the same papers, enlarging the scope of the affair, and inviting the attendance of foreigners of all nationalities. The actual attendance at the meting seems to have been about 350 persons which, considering the fact that the resident foreign population in Yokohama of all ages and sexes, excluding Chinese, is about 1500 would indicate the meeting to have been, in numbers, fairly general, and fairly representative of nationalities, including American citizens.

So far as I am able to judge from my short acquaintance in Japan, I recognize the names of

these

those who took an active part in the meeting as being gentlemen occupying the very best position in the community; and I am informed and believe that the attendance generally was of like character.

As you will observe by the printed proceedings, the resolutions were adopted without opposition and with practical unanimity. After the meeting was held and after it became apparent that the affair had caused considerable anger and ill feeling amongst the Japanese, there were two or three instances of individuals or firms whose names had been published as participating

participating, who publicly denied having been in attendance; but no other dissent has been publicly expressed by foreigners and no counter meeting or other public proceeding has been attempted or mentioned, so far as I have been able to learn.

I have the honor to inclose herewith, for your information, a copy of a letter received by me from J. H. Fraser Esq., Chairman of the meeting and of the permanent committee appointed to carry out its purposes, forwarding to me the resolutions above mentioned, which were finally adopted; a copy of the resolutions, and of my reply to the letter of Mr. Fraser.

I

I also have the honor to enclose, for your information, various clippings from the English newspapers describing the character of the meeting, the names of the gentlemen in attendance, the proceedings that took place, and general editorial comment upon both sides of the question; also translations from native newspapers.

Although I have not, up to this time, attempted to inform you as to the state of opinion amongst American citizens and other foreigners resident here on the question of treaty revision, I have diligently enquired and endeavored to inform myself on the subject. From what I have been able to learn, I think there is very little reason

reason to doubt that the resolutions adopted at Yokohama on the 11 ~~th~~ instant fairly express the Opinion of the foreign merchants and business men settled in Japan on the questions referred to.

I have the honor to be
Sir
Your obedient Servant.
John T. Swift

Enclosures (Separate):

1 J. A. Fraser to Mr. Knight, &c., Sept. 15.
2 Mr. Knight to J. A. Fraser, Sept. 16.
3 Clippings "Japan Herald". Sept. 8.
4 " " " " 12.
5 " " " " 13.
6 " " " " 15.

7. Clippings

7. Clipping "Japan Herald", Sept. 16.
8. " " " " 17.
9. " " " " 20.
10. " "Japan Gazette" " 8.
11. " " " " 12.
12. " " " " 15.
13. " " " " 16.
14. " " " " 17.
15 " " " " 20.
16 " "Japan Mail" " 13.
17 " " " " 16.

Enclosure 1. with No. 164.

(Copy)

Yokohama,

15 Sept., 1890.

Sir:

I have the honor to inform Your Excellency that at a meeting of the Foreign residents in this port, held on the 11th instant, the resolutions, of which a copy is enclosed were agreed upon and that a Committee, of which I am Chairman, was instructed to bring them without delay to the knowledge of the Foreign Representatives in order that Their Excellencies, in dealing with the proposals for Treaty Revision said to be now under consideration, may be in possession of the unanimous opinion of their countrymen upon the matters referred to in those resolutions.

I have the honor to be,

Sir,

Your Excellency's most Obedient

Humble Servant,

(Signed) J. A. FRASER,

Chairman of the Standing Committee of

Foreign Residents.

To H. E.

The Hon'ble John F. Swift,

Envoy Extraordinary and Minister

Plenipotentiary, United States Legation, Tokio.

RESOLUTIONS.

1.--That in the opinion of this meeting the time has not arrived when questions in regard to rights, whether of property or person, arising between Subjects and Citizens of foreign Powers in the dominions of His Majesty the Emperor of Japan, can be unconditionally and safely subjected to the jurisdiction of Japanese tribunals; or when an estimate can be formed of the period within which the unconditional relinquishment of extraterritorial jurisdiction can be safely promised.

2.--That in the opinion of this meeting it would be an act of grave injustice to foreigners who have purchased land in Japan under covenant with the Japanese Government, if the conditions or incidents of their tenure of such land should be altered without their consent.

Enclosure 2. with No. 184.

(Copy)

No. 99.

Legation of the United States,

Tokio, September 16, 1890.

J. A. Fraser Esq.,

Chairman of the Standing Committee of Foreign Residents,

Yokohama.

Sir:

Your communication of the 15th instant, enclosing a copy of the resolutions adopted at a meeting of the foreign residents of Yokohama on the 11th instant, giving expression to views and opinions upon the proposals for treaty revision between the foreign Powers and Japan, reached me, through the Vice Consul General of the United States, this morning.

The resolutions shall be forwarded to the Department of State of the United States, at my earliest opportunity, where they will be perused with the care and given the consideration warranted by the explanation that they are the temperate and unimpassioned utterance of a meeting participated in by a highly respectable and representative class of citizens of long residence and experience in business in Japan.

I am, Sir,

Your obedient servant,

(Signed) JOHN F. SWIFT.

Enclosure 3. with No. 154

The Japan Daily Herald.

MONDAY, 8TH SEPTEMBER, 1890.

THE following remarks appeared in the *Hiogo News* of the 6th instant, and they contain so much truth that we may be pardoned for reprinting them:—

Whether it is because the merchants in Japan consider it would be a hopeless waste of time, or whether it is because they are too busy, we cannot of course say, but only one gentleman up to the present has in any way publicly supported the statements of the correspondent whose letter to the *Japan Mail* on "Contracts between Japanese and Foreigners" we republished a few days ago. This silence is not only a pity, but it is to be regretted for the sake of the merchants themselves. That the experiences of the correspondent in question are not the experiences of one who is more unfortunate than his fellows we know well. His experience has been the experience of nearly every foreign merchant in Japan. His remarks, we know for a fact, give an absolutely true outline of the business relations between Japanese and foreigners, yet, with one solitary exception, his masterly letter is allowed to go unsupported. Time and again has the foreign press in Japan drawn attention to the scandalous business methods of the Japanese, but if its statements are unsupported by the people in whose interest they are penned, what is the result on the outside world? *Nil.* Those to whom we speak of the utter lack of business morality among the Japanese, and the losses in business which accrue therefrom to the foreign merchant, want to hear what the foreign merchant has to say on the matter. If he keeps silence, matters cannot be so very bad Such is their argument, nor can they be blamed for adopting it. To judge by the silence with which the letter published by the *Japan Mail* has been received one would think the foreign merchants looked upon the statements contained therein as so totally wide of the mark as to be beneath notice, instead of the letter being a very looking-glass in which is mirrored their own experiences. This letter gave an excellent opportunity to inaugurate a correspondence which, before it had closed, should in a measure have opened the eyes of the Japanese to their position, if nothing else. Instead of this it has been or is being allowed to go by, and we frankly tell the foreign merchants that they are losing a golden opportunity. This letter will be canvassed among the Japanese; it will be translated and appear in the leading Japanese papers; it will create more or less discussion, and the Japanese will look with more anticipation than pleasure to others of the same kind. They will look in vain; they will, we fear, see nothing; and they will probably put the circumstance down to the fact that the foreign merchant is afraid to speak his mind, such is their conceit. It is ten thousand pities this opportunity is being allowed to go by in the fashion it is. God helps those who help themselves, and it is only fair that the Editors of the foreign journals should be assisted sometimes by the merchants themselves in their efforts to open the eyes of Japanese traders to the position they hold in the estimation of foreigners.

The complaint is no new one, but unfortunately it seems useless to try and stir the mercantile community to show an interest in their own affairs. Again and again it has happened to every conductor of a newspaper in Japan to have some friend come to him, and say "I wish you would write something pitching into the Japanese about so and so." For the last few months the troubles and delays instituted by the Customs authorities in Yokohama have been the principal source of grievance, and if the ears of those officials burn whenever anything evil is spoken of them, they must lately have been in a continued state of irritation. The editor naturally says:—This is a subject upon which I practically know nothing. Send me a letter containing your complaint, and then I may be able to ventilate your grievance, and perhaps afford your some support. But no; it is according to their own statements, impossible for them to find the time to even write a statement of the case. "Oh! you do it, I can't write" is the storeotyped answer, and the consequence is that the editor, not having a statement of facts before him is obliged to let the subject alone. This has been the case in every department of life. For years fighting the Japanese claims has been left almost entirely to the press, the general public being content to express their acquiesence in its views. Now, when, as a correspondent in our columns to-night says, it is probably too late to make their sentiments known to the officials at home, they have at last taken the alarm, and are about to protest against the proposed changes; but why have postponed until the last moment what ought to have been done years ago?

the Cabinet itself, these dissensions having been brought under his personal observation, hence he had come to the conclusion that treaty revision would not be brought to a head, and had acted accordingly. He thought that the Cabinet would have come to a rupture before October and his surmise was correct, for it collapsed in August. However, let bygones be bygones; he would exp ess his views on treaty revision. He was of opinion that it would be a difficult matter to do away with extraterritoriality and at the same time obtain autonomy of taxation as practised by the Japanese Government. Japan could by no means be called a rich country, and there were besides, industries which were not properly developed or borne down by similar goods of foreign manufacture, in addition to which, the burden of taxation being exclusively borne by Japansee, their complaints have been loud and deep, so that if the Japanese were considered, it would be best to first obtain autonomy in customs duties and then remove extraterritoriality. In order to achieve this, it would be necessary to improve the laws and appoint Judges who have been acquainted with the new system for several years, so that foreigners might be induced to place credit in it. Should this be done, the completion of the work of revision will not be a difficult matter. Such is the advice of a Foreign Minister. We hear that the policy of Viscount AOKI, the Minister of Foreign Affairs, on the question of revision is principally directed towards the realization of autonomy in taxation, the question of extraterritoriality being made a secondary one. Is this the result of the advice given by the above mentioned Minister, or have the views of the Minister of Foreign Affairs merely coincided with his? Nevertheless many facts prove that the present policy is principally directed towards acquiring autonomy in taxation.

When the KURODA Cabinet was wrecked over the question of treaty revision, remarks the *Jiji*, and the YAMAGATA Cabinet was formed, Count Iro took upon himself the task of personally interviewing the Foreign Ministers to arrange preliminaries. He explained the sentiments of the Japanese people as being against revision, and intimated that in face of this opposition, nothing could be done. These reasons being manifest to the Foreign Ministers, they could raise no objections to them, so they replied in suitable terms in order that the matter might be peaceably arranged. However, one of the Ministers gave the Count to understand that although what he said might in a sense be true, yet the assertion that the public were against revision must be modified, as it did not seem to him to have been so acute. He thought it was rather the outcome of disagreements in

Correspondence.

(We are not responsible for the opinions or sentiments of our correspondents.)

To the Editor of the *Japan Herald*.

SIR,—Thanks to the malicious taunt of the *Japan Mail's* Editor,—whose happiness is apparently promoted in exact ratio with the threatened curtailing of foreigners' existing rights,—that in imagining that nothing would be or was being done in that direction, since in supposing that treaty negotiations were in abeyance, we were perhaps "living in a fool's paradise," a movement has been set on foot to hold a meeting of British subjects in the course of the present week, in order to secure an expression of opinion on some of the more important questions involved in treaty revision.

It must be confessed, however, that the members of this community,—and I speak not of the British section alone,—but comprehensively of men of every nationality, have slumbered too long on their rights to make their defence of them, at this eleventh, nay, it may be, for aught that is known to the contrary, that the twelfth hour is already passed,—of much, or of any service. The enemy has been so long at the gates, so many breaches have been made in the ramparts, so sedulously undermined by military traitors at work in the trenches, of which the loyal Press has given abundant warnings, that it seems somewhat to savour of absurdity for the community to have suddenly awoke to the imminence of its danger, and that we should now be enlisting warriors, and should be casting about for arms and ammunition to enter on a fight to defend the citadel, when our authorities are on the very point, if not already beyond it, of capitulation.

Figuratively speaking, it is held that "God helps those who help themselves," and common sense, and common experience alike justify the use of the expression; it cannot in truth be said that we deserve other fate than that which is likely to befall us. We have never so much as wagged a little finger in defence of our rights and privileges since treaty revision has been mooted, and since they were menaced by Japanese overmastering aggressiveness. Putting our trust in the assumed sagacity of Ministers and the friendly astuteness of our Governments, we now are awaking, but I am afraid too late, to the consciousness of our mistake. We leaned on reeds that have given way under us, and are just piercing our hands, and methinks we shall have to put up with our lot however sorry that lot may be, unless indeed, of which I have but faint hopes, that the indignant eloquence of the conscript fathers of the Settlement at Thursday's meeting, may prevail in averting the threatened catastrophe of coming under Japanese jurisdiction, without so much as a single safeguard to protect us from the injurious consequences anticipated as likely to follow.

The advertisement convening the meeting appears to be of mysterious origin; it is subscribed "By order." By "order" of whom? and British subjects alone are invited to attend, and express their views. I think that this limitation is as unwise as it is uncalled for, treaty revision is of like importance to every resident, no matter of what nationality, and presumably each treaty will be in its essential features, the counterpart of all the rest. Now Yokohama is a commercial city, or it is nothing. Its Chamber of Commerce embraces men of every nationality in the place. What was there, or is there, to prevent a requisition being sent round for signature asking its Chairman to call a public meeting of the citizens, at which every one who may choose, should be at liberty to attend and express his views. Treaty revision is not of a sectional interest; it is a subject which addresses itself not to Englishmen alone, but to every nationality represented here. In addition to this consideration, I may point out that although a "hard and fast" combination of the Powers no longer prevails, yet the several governments, to say nothing of their representatives here, exchange notes on the subject, and the action of the leading Powers not only exercises an influence upon one another, but also governs the proceedings of the smaller. From these considerations it seems to me to be a fundamental mistake, for the English only to take the field. The battle, if fought at all, is one that requires a union of all the forces. Napoleon believed in strong battalions, and so do I. Surely it is not too late to invite the co-operation of every one interested. Combination is peculiarly called for by the circumstances of the case, and not the disunion which is implied by Englishmen separating themselves from their fellow citizens in Yokohama and acting alone.

Your's truly,

ONE OF THE PUBLIC.

8th September, 1890.

Enclosure 4. with No. 134

The Japan Daily Herald.

FRIDAY, 12TH SEPTEMBER, 1890.

THE meeting of the foreign community at the Public Hall yesterday afternoon was one of the fullest and the most representative that has ever been held in Yokohama. The Hall was crowded and for once, although men of all nationalities were assembled together, there was not a dissentient voice; the proceedings were harmonious throughout, nor was there any packing of the meeting nor had any arrangement been made with a view to secure unanimity. After this, there can be no question as to the practical identity of sentiment of the residents of the nationalities represented in Yokohama; and their verdict was emphatic against the Japanese propositions as presented to foreign governments. It is pleasant also to be able to remark that,—with the exception of the actual object of the meeting—there was nothing against which the Japanese could object. The speeches were calm and dignified, and whilst the sentiments could not be misunderstood, the objections to the proposed terms of treaty revision, were put in measured words, such as were befitting to be used by the heads of the mercantile community; men who had spent the best portions of their lives here, and who were therefore qualified to speak upon a subject in which their persons and property are intimately concerned. The committee, as formed, consists of the representatives of some thirty two firms (comprising most of the prominent houses of the place) and of five representatives of the private and professional classes, and they represent nine out of the sixteen Treaty Powers. The countries unrepresented on the committee consist of Austro-Hungary, Belgium, Denmark, Hawaii, Russia, Spain, and Sweden and Norway, but as the residents of these countries only number 85 out of the 4,542 foreign residents of Yokohama, it may be taken for granted that the committee is a fairly representative one, and that their representations should carry due weight, not only with their own governments, but also with the Japanese Ministers.

THERE is one portion of the report of the *Mail* in connection with yesterday's meeting, which is calculated to give a very unfair idea of the numbers present, or who supported the resolutions as passed. Our morning contemporary mentions that only 132 signed the lists which lay for signature in the hall. This, as a correspondent in our columns points out, may be perfectly true, but at the same time it should have been mentioned that there was such a rush to sign the lists that it was impossible for some time to get near them, and consequently the great majority of those present postponed appending their signatures until the lists were sent round to the different houses, which is now being done. As an example of this default, we have spoken on the subject to five members of the committee as elected, not one of whom has yet signed. It is comparatively easy to get at the numbers present. The Public Hall has seats for some 320 or 330 persons, and as every one of these was occupied, and numbers were standing up, it is evident that there must have been at least 400 present, comprising all the principal members of the community. It is expected that the lists, when complete, will be signed by almost every foreigner in the Settlement.

Mass Meeting of Foreign Residents.

The meeting of the foreign residents of Yokohama called for the purpose of obtaining an expression of opinion in regard to certain matters of grave importance to foreigners in Japan and to pass some proposed resolutions, was largely attended, the Public Hall being thoroughly filled by members of all nationalities resident in this port.

Among those present were Messrs. J. A. Fraser, W. J. Cruickshank, M. T. B Macpherson, G. H. Allcock, J. T. Griffin, C. J. Strome, T. Rose, F. Vivanti, F. Biagioni, C. G. Wilson, A. T. Watson, N. P. Kingdon, A. O. Gay, A. Schultze, F. Grosser, J. E. Beale, M. Kaufmann, H. C. Litchfield, W. J. S. Shand, J. R. Merian, J. Rickett, E. J. Moss, F. Lowder, W. Gordon, J. Hartley, W. Bourne, J. J. Efford, E. Leopold, W. D. S. Edwards, E. Andreis, F. Varenne, J. E. de Becker, J. H. Brooke, J. H. Bull, W. Hoggan, X. Salabelle, W. Kennaway, F. A. Sargent, J. O. Averill, E Beart, J L. Halphen, W. Vander Hayden, Jas. Walter, W. B. Walter, Otto Reimers, W. T. Payne, A. W. Payne, E. B. Watson, C. V. Sale, Geo. Sale, F. H. Grant, W. W. Till, A. L. Robinson, Jas. Martin, Jr., J. R. Anglin, J. R. Parsons, J. Johnstone, J. D. Hutchison, H. J. Gorman, A. C. Read, Alan Owston, Geo. Syme Thomson, W. H. Taylor, J. Helm, E. Berard, F. Abegg, R. S. Schwabe, C. Zeigler, H. Blum, G. K. Dinsdale, F. H. Olmsted, C. Heymann, Dr. Hall, Arthur Brent, M. Engert, Gower Robinson, W. G. Bayne, C. W. Baird, A. Barnard, J. L. O. Eyton, B. H. Pratt, H. Abegg, F. Gillett, R. N. St. John, B. Gillett, J. P. Mollison, W. R. Bennett, C. Weinberger, P. Dourille, P. Sarda, L. Gouillond, C. M. Martin, F. Townley, T. Brower, D. Fraser, A. B. Walford, W. Beyfus, C. E. Mitchell, E P. Nuttall, R. M. Varnum, B. C. Howard, A. Mottu, A. Giussani, and a large number of representatives of other countries numbering over three hundred, the Public Hall being full.

The meeting having been duly called, Mr. Lowder proposed that Mr. Fraser should be elected to the chair (applause).

The Chairman remarked that before proceeding with the business of the meeting he had intended to state that although this was a public meeting it was neither expected nor desired that reporters should take notes of the proceedings for insertion in the newspapers, but that since coming to the Hall he had learned that there was a very strong feeling among a number of those present that this course should not be followed, but that what took place should be reported in the usual way (applause). It appeared that there was some

diversity of opinion on the point, therefore he thought the best course to be followed would be to put it to the vote. He would now put it to the meeting whether the proceedings were to be reported and published or not, and would ask those in favor of it to hold up their hands.

Hands were then held up, a large majority being in favour of its being reported—121 for, and 39 against (applause and cheers.)

Continuing, the chairman said he had been asked at short notice to take the chair, and confessed he had consented to do so rather reluctantly, due to a feeling that there were many members of the community who could fill the post better than he could. (Cries of "No, No") Having yielded in the matter he would ask their indulgence for any shortcomings. He thought the fact that so large a meeting had met showed that the question of treaty revision still possessed deep interest for the members of this community. He was quite sure that had the meeting been called for anything but this, there would not have been one tithe of those present attending it. Another subject for congratulation was, that this meeting, originally projected by British subjects, had been enlarged and extended to embrace members of all nationalities. It was gratifying to find the meeting such a representative one. He was sure every one had come with a desire to obtain some information on the question of treaty revision and as to what was being done in connection therewith. It was a very natural wish on their part, and he was sorry he could not give them the information they were seeking, as he knew little more than they. He, as well as they, was anxious for information in regard to treaty revision, and what was being done. But there were some members of the community then present who would tell them they had obtained information from a source which they were unable to divulge, which they asserted was of a trustworthy and reliable character, being to the effect that there was some risk, in the negotiations which had been now resumed, that the proposals of the Japanese Government might be accepted, at least in the case of Great Britain by Her Majesty's Principal Secretary of State for Foreign Affairs, without any of those safeguards which had been hitherto stipulated for, and which they all were more or less of opinion should be strenuously insisted upon. This was the information, such as it was, which had been the main cause leading up to this meeting, and to the resolutions which were to be put forward. Of course if there was any truth in the information which had reached this place, it would seem that the occasion had arisen for some action on their part, prompt action. They were no doubt asked to take this information on trust, and they were bound to do it to that extent, but if there was truth in it, then the occasion had arisen for prompt action, which he considered sufficient excuse for what was now being done, without first going to the different representatives and asking their information of its truth or otherwise (applause). With these preliminary remarks he would proceed to give the three resolutions that had been drawn up, which he would submit to the meeting. They would not be put from the Chair, but he would read them one by one, and call on gentlemen then present, to speak to them. The first resolution was—

"That in the opinion of this meeting the time has not arrived when questions in regard to rights, whether of property or person, arising between Subjects and Citizens of foreign Powers in the dominions of His Majesty the Emperor of Japan, can be unconditionally and safely subjected to the jurisdiction of Japanese tribunals; or when an estimate can be formed of the period within which the unconditional relinquishment of extraterritorial jurisdiction in Japan can be safely promised."

The Chariman then called on Mr. Lowder to speak to it. This gentleman on rising, remarked that this was the largest and most representative meeting he had ever seen assembled in Yokohama. The question naturally arose—two questions—first, what were they here for? and secondly, why were they here? The first, the speaker thought, admitted of a very easy reply, they were there for the purpose of expressing their opinion upon two subjects of great and serious interest to the community. That opinion had been passed into the form of the resolution they had just heard from the chair, and he would ask them whether it embodied their opinion on that question. If it did, there was no reason to proceed to arguments in support of it (applause). The applause he had just heard showed him that it would be unnecessary for him to depart from his original resolution viz., to hold his peace as to the reasons why they had this opinion. They had arrived at it from previous knowledge and experience. The second question that had arisen—why had they taken the opportunity of expressing their opinion at the present moment?—he had been anticipated in answering by the Chairman, the reason was that the British section of the community lately had reason to believe that the policy hitherto pursued in regard to treaty revision had been, or was about to be, reversed. They would recollect that in the year 1887 the first proposals came forward from the Japanese Government in regard to treaty revision, and it was then suggested that a large number of foreign experts should be added to the Japanese Bench in order to protect the interests of foreigners (applause). He was sorry these negotiations had proved a failure, but in 1889 the question was again taken up, and the proposal then was to appoint only four foreign judges in the Court of Appeal. These propositions found favour with certain of the Treaty Powers, but it was always understood, and he thought it might be said to be a fact, that their Representative at home, Lord Salisbury, Her Majesty's Principal Secretary of State for Foreign Affairs, was of opinion, which opinion he expressed to the Japanese Government through the proper channels, that he did not consider that to be a sufficient safeguard for the protection of our interests (applause). For that reason the British portion of the community had hiherto observed a discreet silence, because up to the present moment they had always been of the opinion, and the speaker thought with great reason, that their interests were being protected in the manner in which they wished them protected. Lately, however, it had come to the knowledge of some of them, that there was imminent danger of that policy being reversed; in other words, that the proposals now put forward by the Japanese Government were to this effect; that, outside what are known as treaty limits, foreigners shall immediately become subject to the jurisdiction of Japanese tribunals, and that after a period of five years all foreigners, whether in what are known as the concessions or in the interior, shall come under Japanese jurisdiction, and that without any conditions at all. It was that information, the origin of which, as they had already heard, might not be divulged, but which came, he might inform them, from a source which convinced him of the fact of there being danger, and imminent danger of these proposals being agreed to, which had given rise to the adertisement in the papers. It was after that that requests were received from all nationalities of the

community to be allowed to join, and it was thought by those promoting the meeting that it would be extremely ungracious if the British community refused their consent (applause), not only ungracious, but also for other considerations which would suggest themselves to their minds. If these resolutions were to be considered in the light of a protest—it was impossible to say whether they would be or not—but if they were so regarded, however, then that protest, was very much stronger when coming from all sections of the community than from British residents alone (applause and cheers). If it was not a protest, if the information he had referred to was incorrect, at all events no harm could be done; in fact a great deal of good, because it would then appear that they were of one mind with their representatives which would strengthen their hands. He would therefore propose the first resolution (loud and continued applause).

This was seconded by Mr. Litchfield.

The Chairman said that this resolution, which had been so ably spoken to by Mr. Lowder and seconded by Mr. Litchfield was before them; if they were ready to have it put, he would proceed to do so.

Those in favor were then requested to show their hands, almost every one in the Hall doing so. Those against were also requested to show their hands, but none were shown, the Chairman declaring the motion passed amidst enthusiastic cheering.

The Chairman then proceeded to read the second resolution, which was

"That in the opinion of this meeting it would be an act of grave injustice to foreigners who have purchased land in Japan under covenant with the Japanese Government, if the conditions or incidents of their tenure of such land should be altered without their consent."

He then called upon Mr. Gay, who had kindly consented to speak on this resolution.

Mr. Gay, who spoke in a very low tone, and was therefore not well heard, said the matter forming the subject of this resolution had already been before the Chamber of Commerce a year and a half ago, when the Chamber addressed the Foreign Ministers on this very subject. The replies received from those that did reply, all expressed determination and willingness to take up the matter, and give it their full consideration at the proper time. That was the substance of all the replies that were made. He might point out that the elements of the covenants that had been entered into were that they were between individuals and the State, and that they were based on existing treaties. New treaties could not be retrospective, so far as property was concerned. The properties were all sold at auction by the Government, proving that the right of property was acquired apart from the ground rents, and those who bought them paid for the property and received certain guarantees, which guarantees, he maintained, could not be taken away without the consent of the holders (applause). Further, the ground rent was fixed, representing the equivalent of the Japanese taxation at date. We have, continued Mr. Gay, been in the enjoyment of those properties now for nearly thirty-five years, and of course under the laws of the different Consulates at which the deeds were registered, without any reference to the laws of Japan, and I may mention that under English law enjoyment of immunity for twenty five years makes the immunity perpetual. Further, the compulsory changing of the right of title is virtual confiscation. No reduction of ground rent will compensate for the taxation to which we hall be subject under the new arrangement. The income tax alone is about 7½d. in the £, not to speak of stamps on documents. If Foreign Powers take the responsibility of so altering the treaties that they dispossess individuals of their right of recourse against the Japanese Government, they will create by their illegal action a right of recourse against themselves (applause).

This was seconded by Mr. Shand.

The Chairman remarked that what Mr. Gay had said in support of the above resolution was so good that he wished all had been able to hear it.

A show of hands again resulted in the motion being unanimously carried.

The Chairman then read the last resolution, which was as follows:—

"That thirty persons be elected by ballot at this meeting to be a standing Committee, with the following powers:—to transmit copies of the foregoing resolutions without delay to the Representatives of Treaty Powers; to Chambers of Commerce; and to any other bodies or persons, at the discretion of the Committee; to act as the representative of the Community in any and all questions incidental to or arising out of the foregoing resolutions, now or at any time hereafter; to co-operate with any Committee that may be formed at any outport for objects similar to the foregoing; to call meetings of the Community whenever they consider it desirable; and to collect and spend such moneys as may be necessary for the efficient exercise of the said powers."

Mr. Brooke, in answer to a call from the Chairman, then rose to propose the third resolution. He said that having undertaken, at the request of the committee, the proposal of this resolution, it was now his duty to carry out the word he then gave. It must be as clear to them as to himself, that the want of some public organization in this community has been severely felt for a great number of years (applause). They had of course in the newspaper press a large amount of writing on public affairs, but whilst newspaper writers may represent the eyes and ears of the public, they were not its hands, there being no body to which appeals could be made to take in hand serious matters that required attention (applause). They had heard from the various speakers that they had arrived at what looked like a crisis in their affairs. They had information, however, which was not very great, but as it had been difficult all through the treaty revision business to get any information at all, they must be thankful for very small mercies. They should have taken the alarm years ago (cheers). They should have formed a Citizens' Committee representing all the nationalities in the place, to take cognizance of the various propositions that had been made, because, as they were no doubt aware, those of the Japanese Government had been of a very shifting character. They have never remained constant to any proposition they asked the Foreign Powers to agree to. No sooner was there a chance of a proposition being agreed to, than it was used as a stepping stone for the making of farther demands (loud applause). The first speaker, Mr. Lowder, had given them a short history of what had taken place with regard to a most important matter, viz, the proposed future judicial arrangements of the country. With regard to the tariff, he thought a general agreement was arrived at some years ago, as to the rates and duty that should be hereafter charged, and that had never been a bone of contention for any very long period. But what they had all dreaded—they were willing to submit, to a certain amount, to being taxed—but what they all were apprehensive of was the surrendering those personal rights and legal sureties as British or Americans, or as men from the Continent, they all more or less now enjoyed; that they should be called upon to

surrender them into Japanese hands, because they had never felt that in the arrangements which prevailed in the treaty ports the Japanese had been unjustly treated. They had been enjoying substantial justice in foreign Courts and the entire foreign community had been able to go along side by side with the Japanese, with really very little friction (applause). In fact it had always appeared to him that the agitation for treaty revision, commenced years ago, for bringing foreigners under Japanese judicial arrangements, was altogether premature and not likely to be advantageous to either of the parties (cries of hear, hear). When this question was first raised —he had a long recollection, being an old resident here—when this question was raised in 1872, torture was a part of the judicial system; prisons were in a lamentable state, there being no laws that could be understood, but precedents based on Chinese examples. And yet, at that time foreign Powers were asked to agree to the abolition of extra-territoriality! Of course they refused (hear, hear.). As time went on various proposals were made, and only now had they arrived at this condition of affairs, viz, that the Japanese propose to withdraw the Diplomatic Notes addressed by the Government to Foreign Powers, which provided for a certain proportion of foreign Judges being employed, and foreigners were asked to submit to Japanese jurisdiction without, in the words of the first resolution, "any of those reasonable safeguards" which they had a right to expect. Now, apart from any consideration as to the competence of Japanese tribunals, a very serious question arose from the fact that they were asked to surrender a great many advantages which they were aware they possessed. He need hardly mention, to educated Englishmen at all events, the value of the writ of *habeas corpus*; that was not to form any part of the future legal system of this country. Then again there was to be no institution of the jury system, and they knew, certainly in political trials, how valuable juries had been to England. Much of the liberty of the subject and of the press had arisen from the firmness and independence of juries when prosecutions had been instituted by the Crown against liberal-minded and out spoken men (cheers) There was no doubt that the supervision and surveillance in this country, tolerated by the natives, was altogether intolerable to aliens, and at variance with that degree of freedom they were accustomed to enjoy in their own countries. An Englishman's house is said to be his castle, —and so it is. How far could they calculate on the Japanese recognising what that implied? But the arrangements which meet with more or less favour in this country were very well adapted to a race that has never yet breathed the breath of freedom, and has always been more or less servile in their attitude towards their authorities. What would cause them no concern, exercised considerable apprehensiveness in the minds of foreigners, because they would never be disposed to submit to what the natives do. If they came under these arrangements which seemed to be looming perhaps in the near future, although they had always been kept in the dark by their representatives as to what was proposed or agreed to, they might be quite sure that a large number of troublesome cases will arise of which up to now they had no experience (hear, hear). Therefore it seemed to him to be imperative, they should agree to appoint a representative committee to take cognizance of these various incidents which will arise, and to interfere in those cases where any injustice is involved, or any public interest is seriously assailed (applause). They would be willing, he was sure, to contribute to whatever expense might be incurred, because it was impossible to carry on a war, on paper or otherwise, without money (applause). He was sure they would be willing to co-operate with foreigners in other treaty ports. He would now simply ask the meeting to adopt the resolution, he had been called upon to move, and take care that in electing men to sit on the committee they would select men of intellect and experience (applause) The resolution mentioned 30 or thereabouts to be elected by ballot at the meeting, but he did not know whether it was practicable to do so; but if they thought it was, a ballot could be held with the assistance of the secretary of the meeting, He had much pleasure in proposing the resolution (sustained applause).

This was seconded by Mr. Kingdon, and was carried unanimously.

The Chairman here intimated that the only other matter was the election, by ballot, of a committee. Mr. Brooke at the conclusion of his able speech, had suggested whether it could be conveniently done at the time, they had to make up their mind thoroughly as to the best men to serve on the committee. Was he (the Chairman) to understand, they should proceed with the election now?

Mr. Gay proposed that ballot boxes should be left at the Chamber of Commerce Rooms for three days for that purpose.

Mr. Lowder thought that he might be able to facilitate the election of a committee at once, by reading the names of 14 or 15 Englishmen who had expressed their willingness to serve on the committee. It might be easy for the other sections to add names so as to bring the number up to 30 or thereabouts (applause).

The two motions were then put to the meeting, Mr. Lowder's being carried.

The Chariman remarked that before reading the names, he would ask Mr. Brooke, the proposer, and Mr. Kingdon, the seconder, if they were willing to agree to the election of the committee by the meeting instead of by ballot.

Mr. Brooke and Mr. Kingdon consenting, the undermentioned names were unanimously agreed to.

BRITISH.—Messrs. J. A. Fraser, Chairman, J. H. Brooke, A. H. Groom, J. D. Hutchison, R. Johnstone, N. P. Kingdon, W. H. Taylor, Jas. Walter, W. Gordon, F. Townley, D. Fraser, R. A. Wylie, W. J. S. Shand, A. Barnard, F. Lowder.

GERMAN.—Messrs. R Reiff, Otto Reimers, A. Schultze, F. Grosser, A. Meier.

FRENCH.—Messrs. C. Sarda, L. Gouilloud, L. Halphen, P. Dourille.

AMERICAN.—Messrs. A. O. Gay, B. C. Howard, J. Lindsley, R. M. Varnum.

SWISS.—Messrs. F. Abegg, A. Mottu, J. R. Merian.

ITALIAN.—Messrs. F. Biagioni, C. Giussani, E. Andreis.

DUTCH.—Messrs. J. P. H. von Hemert, H. Scheuten, W. Van der Heyden.

PORTUGUESE.—Mr. J. A. da Fonseca.

CHINESE.—Mr. Wong Yick Tong.

Mr. Bayne proposed a vote of thanks to the Chairman, which was passed with acclamation.

Mr. Fraser having responded in a few well-chosen words expressive of his satisfaction at the result of the meeting, the meeting dispersed.

Correspondence.

(We are not responsible for the opinions or sentiments of our correspondents.)

To the Editor of the *Japan Herald.*

DEAR SIR,—With reference to the meeting of foreign residents held at the Public Hall yesterday regarding treaty revision, I notice in this morning's *Japan Mail* a statement as follows; viz. "Of those present at the meeting the following signed the lists bearing the resolutions. British 81, German 20, American 15, other nationalities 16." Now although this is probably correct as far as it goes, it is nevertheless, a statement which would be apt to entirely mislead people at home who take an interest in the subject. Whilst the Editor of the *Mail* was about it, why did he not add that the meeting was so crowded that the majority of those who attended it saw no chance of being able to get at the tables on which the lists lay for a considerable time, and that they therefore left without signing their names then, well knowing that they would have a better opportunity of doing so later on.

Your's faithfully,

ONE WHO WAS PRESENT.

Yokohama, September 12th, 1890.

Enclosure 5. with No 154

The Japan Daily Herald.

SATURDAY, 13TH SEPTEMBER, 1890.

The United and Unanimous Voice of Yokohama.

NEVER, since this foreign Settlement became established, has this most mixed community, composed as it is of men of so many different nationalities, spoken with a more absolutely unanimous or emphatic utterance, than it did at the mass meeting held on Thursday, at the Public Hall. The building was filled to repletion with an anxious, an earnest, and an intelligent audience of persons embracing all classes, and of every avocation.

Apprehensive of an impending common danger threatening to invade the security which foreigners domiciled in this country, have hitherto enjoyed in their persons and pursuits,—the professional class, the bankers, merchants, and tradesmen, so far as we know and believe, with scarcely an exception, gathered themselves together at the late meeting to deliberately and emphatically declare their absolute aversion against being brought under Japanese rule, by protesting against the surrender of those safeguards which have hitherto been their protection, and which have not been harmful to the people of the land within whose borders so many foreigners at present dwell.

For once, Yokohama aroused itself from its normal apathy. Abandoning the farther prosecution of the business of the day, the merchant left his desk, the lawyer his office, the physician his patients, the mechanic his trade, and the shopkeeper his business, to be present and to assist either with speech or vote, in making such a demonstration that foreigners' views and sentiments on the subject of treaty revision should not be misunderstood in any quarter whatsoever.

The Japanese, and our own Ministers and Governments have now been served with a notice, the gravity of the import of which they had better at once take to heart. Emphasized, it means that subordination to the rule of this people, owing to a variety of reasons, cannot be contemplated with other feelings than those of apprehension and distrust. The civilization of Japan is limited, as well as superficial; its laws and new institutions are only in course of evolution, and have yet to be tried in the furnace of experience. Its people's innate sentiments are judged inimical, because based on racial antipathy, as proved by the otherwise unprovoked and meaningless murders in years gone by, and by the abusive language towards foreigners which finds vent in the native press, and in other ways now; and some late outrages in the Capital and elsewhere, show that the ancient feeling though thought by some to be extinct, because for the most part glossed over by politeness and the exhibition of that amenity which the Japanese, when they have an object to serve, know so well how to employ, is still existent, but whilst this urbanity serves to deceive transient visitors, it however is discounted by those who have had a longer residence in the country, and who can appreciate it at its real value.

The resolutions submitted to the citizens' meeting, were temperately worded, and were supported by speakers whose fitness for the task, by virtue of their long residence here, and familiarity with the subject, to say nothing of other qualifications, was beyond question. The duty imposed upon them was but light, though the occasion itself was sufficiently grave. The resolutions proposed were so clearly expressed as to almost speak for themselves, whilst the audience was so intelligent and so interested in the subject which had brought them together, that the remarks made by the speakers were listened to with attention, and the more telling observations were applauded to the echo. The speakers steered clear alike of prejudice and of passion. They recapitulated facts which could not be gainsaid; nothing could be more creditable than the way the affair was arranged and conducted throughout. The Chairman, a highly respected member of the community, had no difficulty in discharging the duties devolving upon him in that capacity, and a cordial vote of thanks was accorded to him at the close of the proceedings, which were marked with harmony throughout.

Like a bolt from a blue sky, the calling of the meeting and its results must be startling to Ministers in Tokyo, both native and foreign. It is no longer open to the government advocate to taunt foreigners here with living in a fool's paradise. Menaced by a danger to which we should not, and ought not to have been exposed, had our Ministers here, and our Governments at home, been informed by the experience common to all of any length of residence here, we have, when perhaps too late,—because we have put our trust where we ought not to have done,—tardily taken steps to if possible avert the impending evil.

The new condition of affairs sought to be brought about here cannot possibly be of advantage to the Japanese or to foreigners. Responsibilities will be incurred of which the government are not as yet fitted to acquit themselves in a satisfactory manner. To do that, the labour of many future years is needed. To provide for the proper administration of both criminal as well as civil cases, trained judges are essential. Those on the Japanese bench are mostly too old to become well acquainted with the

new fangled codes which have been prepared by foreign experts, and which even experts say they cannot entirely comprehend, which are also unpopular with the natives, whilst the students who are applying themselves to the study of jurisprudence, are as yet, for the most part, too lightly equipped with legal learning, and are also too young in years to have undergone that training which practice only can ensure, to justify their elevation to the seat of judgment. The late meeting, called as it was by persons without any special authority, upon nothing much more substantial than rumour supposed to have emanated from a sufficiently well informed source, but responded to with alacrity, was practically based upon a very justifiable distrust of Ministers, and their method of carrying on the business for which they are employed and paid. It was to all intents and purposes a universal and unanimous VOTE OF WANT OF CONFIDENCE. So far as we have been permitted to learn of the doings of our diplomats,—and we have been studiously and purposely kept in the dark at the astute request of the Japanese Government,—we have not been favourably impressed. They have not seemed to address themselves with any sort of individual or collective capacity to solve well the difficulties inherent to the subject. They hold but little communion with their countrymen, and appear to be careless of gathering from the more intelligent and experienced of them the valuable information which would be at their disposal, did they manifest but the most ordinary sympathy with their struggling compatriots, battling with the circumstances which surround them here. Wrapped up in considerations of their own personal consequence, and very much more concerned in retaining their appointments, or in getting promotion, than in diligently and sagaciously devoting themselves to our affairs, they now-a-days affect the airs of a superior caste, and mix themselves as little as may be with the community whose interests they are supposed to regard and to defend. Time was when the Minister of that nationality,—the trading interests of which are the most considerable of all,—assiduously applied himself to his duties, and by familiarly identifying himself with his countrymen, earned a just title to their esteem. From them he acquired all the information necessary for him to be well informed as to affairs here. His official training from his youth upwards, served to give force to his natural acuteness, and guided him during the many years he was Minister here, from being imposed on. The Minister who now occupies the position vacated by the predecesor of whom we have spoken, we regret to have to record, affords no opportunity that we know of, for the bestowal of the like appreciation of his conduct, and the question is asked on almost every hand, what the tax payers who have to pay the piper, are getting, or are likely to get, for the services of one who appears to pipe so poorly?

As to the never ending, still beginning, but mistaken and mischievous efforts of Japanese Ministers to outwit those with whom they negotiate, to get control over foreigners and to smartly tax them, they earn recognition from their persistency, if for nothing more. If, up to this, they have been more nugatory than those who make them, relish, it is because of the all sufficing reason, without going into other details, that by one means or another, the Japanese character, unfortunately for themselves and for those who have dealings with the people in their business, or with their rulers in their political and official relations, is regarded with very decided distrust. This want of faith in Japanese integrity and solidity of character is the greatest bar to the success of Japanese official efforts. The artifice which has been had resort to, by procuring the services of mercenary scribes to attempt to bamboozle and deceive the public, both here and abroad, has yielded the worst of results, for as action and re-action are equal and contrary, such infidelity and untruthfulness act as a compulsion, to force other writers to discuss and expose the hollowness of the pretensions put forward by that class of penmen on their Japanese employers' behalf. After the first opening of the treaty conferences, it was learnt that the then Japanese Minister for Foreign Affairs stipulated for the observance of a strict secrecy in regard to the treaty negotiations,—a proposition which, however astute and understandable from a Japanese point of view, would never have been assented to by foreign Ministers had they been otherwise than weak and yielding. Suspicion was naturally excited as to what was to be the outcome of such proceedings,—a suspicion which has never been allayed, but has gone on constantly growing, and which subsequent information, coming through one source or another, has shewn to be justified.

No case has yet been made out for the change of existing judicial arrangements. The sophistry and misrepresentations of hired or of ignorant writers, have not prevailed against the convictions of this, the only public interested that can properly weigh them and appraise their value; the entire unanimity of the late meeting puts that plainly beyond cavil or contradiction. Can it be worth the while alike of foreign Powers, and of the Japanese people's rulers, for a purpose which cannot be otherwise regarded than as the mere fad of a few vain officials, who have instigated some hare-brained politicians to agitate the question, to force on and endeavour to obtain native rule over foreign residents against their will, to whom it will always be repugnant, and with whom it may, perhaps, at last bring about some international difficulty, which may be of most serious consequence to all concerned.

Hitherto it has fallen to the lot of that portion of the local press in the enjoyment of public confidence, to put the break on the altogether too rapid pace of the Japanese wheel, for *facilis est descensus averni*, but now that the community has exhibited a disposition to

bestir itself, by letting its voice be heard, and by the formation of a citizens' committee here—an example which should be followed at every treaty port,—the press, whilst it will not forego its aid, will be lightened somewhat of its labor, but the public, now that it has girded on it armour and taken the field, must stoutly continue to fight the battle, whether it be destined to be lost or won. In this case, delay in conceding what is asked is not dangerous, but the reverse. To postpone alterations in the relations of the Japanese Government and ourselves until the time be ripe for them, is consistent with both wisdom and prudence. Let us hope that both may prevail. If not, we may begin to prepare ourselves, with whatever of composure we may be able to command, for being sacrificed for no adequate reason or excuse, to Japanese vanity, greed, and inordinate lust of power.

THE Citizens Committee held their first meeting to-day, it was numerously attended, and some important business was transacted. Subscription lists, we hear, will be taken round by members of the principal nationalities, which are sure to be liberally inscribed. There will, at all events, be no shortness of funds in carrying on the business of the committee, or of public enthusiasm either.

THE *Tokyo Shimpo* relates that a reporter interviewed H. B. M.'s Minister, to ask his opinion in connection with the meeting of the foreign community lately held at Yokohama. The Minister is reported to have said that it was a question upon which it was only natural that the foreigners in the Settlements should come to a resolution adverse to Treaty revision, but that it was desirable to know what were the views of the residents in connection with the policy to be adopted. This would not necessarily be taken as the true course of action in future negotiations, but still there was no doubt but that the home government would take these views into consideration. Upon this, the paper adds, the reporter, from the Minister's way of speaking, judged that as the late resolutions were only passed by a portion of the foreigners in the Settlement, their effect would not be so weighty as to be taken as the public opinion of all the Englishmen in the country. As to this latter supposition, we can only say that it is entirely unfounded, and that if the *Tokyo Shimpo* will only wait until the lists are signed, it will find that, perhaps with the exception of a few foreigners in Japanese employ, they have been almost universally signed. There is also every reason to believe that the foreign residents of the other treaty ports will join in the movement.

A FEW QUESTIONS.

To the Editor of the *Japan Herald*.

SIR,—The fact that the resolutions offered at the meeting of the 11th inst. were passed *unanimously* gives rise to the following questions:—

1.—Can the editor of the *Mail*, in view of this fact, assert that he has ever represented the views of any section of the foreign community?

2.—Would it not, after all he has written upon the question of treaty revision, have been incumbent upon him to be present at this meeting and to raise his hand against these resolutions; was not that meeting the place for him to stand up for his convictions?

3.—Will the editor of the *Mail* now, compelled by the logic of facts and the unanimous opinion of the foreign community of Yokohama, turn round and say that he has advocated the views expressed in the resolution in question, all along, only in other words, or will he break out in a lament about the blindness and implacable prejudice of those who framed and carried them?

Your's truly,

LOGIC.

To the Editor of the *Japan Herald*.

SIR,—What the Editor of the *Mail* in his rage and desperation at the crushing result of Thursday's meeting terms "silly claptrap" on the part of the speaker, who mentioned the fact that the writ of *habeas corpus* was unknown to Japanese law, and that prisoners charged with political offences would not be allowed the protection of a jury, seems to me to be the acme of folly and of impudence.

Is it not apparent to any one who has paid the least attention to the subject, that both these safeguards of liberty have been purposely withheld in order that political prisoners may be held entirely at the mercy of the Government.

Now, however, that the Editor of the *Mail* is reduced to desperation, and has substituted abuse for criticism, his rabid ravings should enlist for him the attention of his friends. He is to be commiserated.

Should any copies of his paper chance to come under the eyes of legists, either in the United States or in Great Britain, they will, if they have become demented, admit that the writ of *habeas corpus* is a superfluity, and likewise juries, and will proceed to endeavour to purge the statutes of the provisions which provide for them.

Your's truly,

A LAUGHING PHILOSOPHER.

Enclosure 6. with No. 134.

The Japan Daily Herald.

MONDAY, 15TH SEPTEMBER, 1890.

Correspondence.

(We are not responsible for the opinions or sentiments of our correspondents.)

To the Editor of the *Japan Herald.*

DEAR SIR,—Having read the translation of the hysterical outburst of the *Tokyo Koron* in one of your recent issues, I cannot help giving publicity, especially for the benefit of the *Tokyo Koron*, to a case that has recently come to my knowledge. I would fain have kept it suppressed, not believing in stirring up strife, when peace and good-will between ourselves and the country whose hospitality we enjoy, can but add to our mutual benefit and comfort. But to refute such scandalous language as used by the native paper in question, and to show its editor why Europeans so strongly object to be brought under native jurisdiction, I appear to-day for the first time in public print.

Some short time ago a native merchant brought suit against another over a transaction in which he seemed perfectly in the wrong, but to every body's astonishment he gained his case. The losing party, therefore, told me quite plainly the reason why—that is to say, superior influence of the plaintiff with the judge and something besides, more than that. Now this looks quite an unsupported statement, but unfortunately I dare not give such further particulars as I could, as I might otherwise get the parties into trouble. Anyhow, it does in reality matter but very little whether actual bribing of a judge has taken place or not. What I desire to bring principally before the eyes of the editor of the *Tokyo Koron* is the little confidence that some Japanese have themselves in their judicial system. Can he wonder, consequently, if we Europeans want guarantees, and that we do not care to give up our present Consular system which may have at times brought us face to face with incompetence, but never with dishonesty.

The parties herein referred to are not obscure people by any means, on the contrary, they are wealthy and influential merchants—one of them, in fact, holding a public position of some magnitude. They are both intimate acquaintances of mine, and when I chaffed the latter a little about his previously expressed ideas on Treaty Revision, and the firm stand which he took then against foreigners. He replied:—"Yes, after all you are right in insisting upon Foreign Judges." The shoe had pinched him, and he expressed his innermost ideas for the first time.

What does the editor of the *Tokyo Koron* say to this?

Enclosing my card,

I remain,

Your's respectfully,

20 YEARS IN JAPAN.

September 12th, 1890.

To the Editor of the *Japan Herald.*

SIR,—Standing, as your paper does, in the position of a mouth piece through which the feelings of this community can find expression, may I make bold to suggest a most careful use of language in statements in regard to matters which affect all nationalities residing here. In your editorial of Saturday, you state that the public meeting lately held "was practically based upon a very justifiable distrust of Ministers," and was a unanimous *vote of want of confidence.*"

Whatever may be the feelings of other nationalities, or in regard to our previous Ministers I am in a position to state most emphatically, that the Americans signing the resolution adopted at the meeting have done so, not from want of confidence in their Minister, but simply as a public indication of their feelings in regard to matters on which they feel they have a right to make their views public, and which, from the nature of their Government, they feel sure that the representative of that Government will be glad to receive, simply as the opinion of his contrymen offered as a help, and not as a sign of lack of confidence.

So far from lacking confidence, the American community here feel every confidence in their Minister, and a fear that their action might be construed in the manner you take it, kept away the very few who did not attend the meeting, and has been the only point of hesitation of those signing the resolutions.

Any such construction, as that placed by you upon the intention of the meeting, will at once cause the withdrawal of most, if not all, Americans, and break up the unanimity of a most important and desirable public movement.

Whatever may be the intention of others, I can assure you, and I am in a position to be certain of what I say, that nothing is further from the intention of the Americans subscribing to the resolutions, than a lack of confidence in their Minister.

Their intention is honestly and fully expressed in the resolutions, and they intend nothing beyond what is clearly and well expressed in those resolutions: no hidden slight or lack of confidence, and any attempt to implicate them in any such intention as you attach to this meeting, will end in failure.

Your's respectfully,

AN AMERICAN.

[Had our correspondent given a little more thought to the subject, before writing his letter, he might have saved himself that trouble, for our observations could not be construed to have any sort of application to the present Representative of the United States, whom we believe to be entitled to the full confidence of his countrymen, since he has had nothing whatever to do with the negotiation of the American treaty, for that was accomplished by his predecessor, and the subject, we understand, has not been re-entered on since Mr. SWIFT presented his credentials here.—ED. J. D. H.]

THE Japanese papers seem to be considerably exercised over the late meeting of foreign residents at the Public Hall in connection with treaty revision, and remark that their countrymen in Tokyo and elsewhere are greatly incensed at it. Messrs. NAGAO KAGEHIGE and KOBAYASHI SENTARO (a writer in the *Choya Shimbun*), have sent a manifesto to the Japanese traders in Tokyo and Yokohama to the effect that inasmuch as the movement of the foreign merchants in reference to the revision of the treaties was a contempt of the rights of this Empire, their patriotism should be displayed by desisting from communication and trade with these unjust merchants, as was done last year when

the difficulty arose relative to the sale of raw silk, so as to bring them to their senses, cause a dissolution of the association, and make them yield to the Japanese. Messrs. Shoji Takusaburo, Inui Rokuro and Kaneko Riyichi, members of a society called the *Kinkisha* organized in Tokyo, will come to Yokohoma shortly, as its committee, to interivew Englishmen in general but the promoters of the meeting particularly, after which it is proposed to deliver a public speech on the question of the expulsion of foreigners. The *Yomiuri* says that the members of the *Taito-Joyaku-Kai* (Society for the signing of a treaty of equality with foreigners) were also greatly excited on hearing of the decision of the foreigners, and held a meeting on Sunday to discuss the matter, when a resolution was passed that all transactions with foreigners who will not place themselves under Japanese law should be suspended. This resolution, it was decided to submit to the Chambers of Commerce in various localities. Six of its members have been elected as a committee to state their views to the Yokohama Chamber of Commerce and the Tokyo Commercial and Industrial Association. Action in this matter will be commenced from to-morrow.

(*From the Hiogo News.*)

Thanks to the courtesy of H. B. M.'s Minister, Mr. Fraser, we were yesterday (Sept. 12th), able to announce, by means of an Extra, that the rumour that Great Britain had signed the new treaty with this country was without foundation. Mr. Fraser's reply, which was in answer to a telegraphic inquiry from this office, must, we are sure, have afforded very considerable satisfaction to nine-tenths of the foreign residents here, giving, as it did, the lie direct to a very disquieting rumour. At the same time, while on this occasion the rumour has proved to be without foundation, such a circumstance must on no account be allowed to lull us into a false sense of security. Because the treaty has not yet been signed is no criterion that negotiations are not taking place, and that it will not be signed later on. At present there is still time, and anything that has to be said or anything that has to be done with a view to convincing the authorities at home how disastrous would be the consequences of handing over their countrymen to Japanese jurisdiction must be said or done at once.

Enclosure 7. with No. 154

The Japan Daily Herald.

TUESDAY, 16TH SEPTEMBER, 1890.

WITHOUT wishing in any way to embitter any acrimonious feelings which may be felt by a portion of the Japanese people, we must say that it is difficult for foreigners to comprehend the views which are professed by certain of them. Why it should be considered an insult to Japan for foreigners to hold a meeting and express their views as to the desirability or otherwise of their being placed under Japanese jurisdiction, we must say we fail to conceive, nor can we find any parallel to it in any other part of the world. The nearest approach to it is perhaps the recent agitation in Portugal against England. But in that case Great Britain had, whether rightly or wrongly, put her foot down and *forced* Portugal to comply with her demands. This aroused the indignation of a few hot-headed Portuguese, and the consequence was that meetings were held denouncing Great Britain, and threatening to boycott her merchants. The utter absurdity both of the agitation and of the revenge proposed was very soon discovered, and the combined movement died away and entirely failed of its effects. Probably the momentary ill-feeling in this country will die away as rapidly as it has arisen, but meanwhile the situation is an unpleasant one for all parties, and will certainly do no good to the cause which the Government have at heart.

The question would, to most people, seem a simple one. It is now more than eighteen years ago since the first Japanese mission left, under IWAKURA, for America and Europe, with the intention of securing the revision of the treaties and the abolition of extraterritoriality. That mission was, as we all know, a failure, and indeed it is now allowed, even by Japan's most ardent advocates, that the attempt was premature, and that no foreign power would have then been justified in placing her nationals under Japanese jurisdiction. Attempts have from time to time been since entered into having the same object in view, but it was not until 1887 that the effort was made to carry out the Japanese views with any reasonable prospect of success. To the scheme, as formulated by the then Japanese Minister of Foreign Affairs, there was not any very strenuous opposition, so far as we know, by foreign residents, and this is one of the stock complaints of the *Japan Mail* that, whilst foreigners were willing to accept, or at least did not strenuously oppose the propositions then put forward, they are now taking overt steps against the abolition of extraterritoriality within a reasonable time. The answer is easy to find. Under the arrangements as then proposed, the placing of foreigners under Japanese jurisdiction was postponed for a comparatively long period, and meanwhile a large number of foreign judges were to be employed by this country, in conjunction with the Japanese bench, in administering the new laws in the name of the EMPEROR. This scheme fell through, just when everything had been almost arranged, mainly, it was understood, through the opposition of one of the then Japanese Ministers. Evidently there is a very great difference between the propositions then put forward, and those which are are now said to be under discussion. In these latter it is understood that the time when extraterritoriality shall expire is seriously curtailed, whilst the guarantees for the due administration of the law in the shape of foreign judges are entirely struck out. The difference therefore between the two propositions, is a very wide one, and it cannot be wondered at that foreigners, who were willing to accept the former, are strongly opposed to the latter. They therefore adopted what, under the circumstances, was their only plan. They held a meeting and in studiously guarded and temperate language, passed resolutions to be transmitted to their respective governments, expressing their dislike to the new propositions, and protesting against their acceptance. To most foreigners this would seem the most natural and in fact the only thing to do. In Europe and in America public meetings are continually being held protesting against certain acts of the different governments for the time being. Nor are these gatherings confined simply to the discussion of home grievances, but foreign topics are also brought forward, and the governments are memorialised to interfere on behalf of oppressed classes in foreign countries, whether it be the treatment of Bulgarians and Armenians by Turkey, of Siberian prisoners and Jews by Russia, or the oppression of Protestants in some Catholic countries. Nay even the Japanese are not averse to holding meetings in which the policy of their own government is sometimes openly criticised, and no doubt they would avail themselves much more frequently than they do of this means of ventilating their opinions, were it not that the Public Meeting Regulations are, except in a few indifferent cases, almost prohibitive. Why then it should be thought to be an insult to Japan for foreigners to express their opinions upon a subject in which they are vitally concerned, will be a puzzle to people at home. Had the speakers indulged in abuse or expressions of contempt of Japan and her people, we could have understood the feeling, but unless the reports in the different papers are incorrect, nothing was said at which the most sensitive Japanese could properly take offence.

The objection made by foreigners to the administration of the laws by Japanese judges at the present time seems a reasonable one to most people. These laws,—even if they contained all the safeguards which have been found

advisable in Europe for the preservation of the liberty of the subject and of the press,—differ widely from any previous enactments. They are, according to native memorials, difficult of comprehension, and some of them have not even yet been formulated. It is then only but natural that foreigners should feel doubtful as to the capability of native judges to administer these laws. By this it is not meant to throw any doubt upon their probity, but simply to point out that it is not only necessary to know the letter of the laws, but also the spirit in which to administer them, and in this native judges must necessarily be deficient. The words of command at sea may be learned from a book, but no one would think of entrusting the navigation of a vessel to a man who had never been at sea, nor would a Japanese capitalist think of confiding the carrying out of a large engineering work to one who, although he might be perfect in theory, had never had any practice. In every other department of the Government the Japanese have, especially in the earlier stages, accepted foreign assistance, and on the same principle it is difficult to see wherein would be the loss of prestige in availing themselves in regard to the laws, of that aid which they have been wise enough to accept in respect to the sciences.

One word more we may say. Since the meeting, certain Japanese newspapers have contained articles in which all the terms of obloquy and insult have been applied to foreigners. Translations of these have been sent home both by the Legations and by private individuals, and it is very certain that when they are perused, if not republished at home, the effect will not be one which will redound to the credit of Japan. The native papers also state that the Government are taking special precautions over the safety of the foreigners principally connected with the movement. This is perhaps wise, as after the late assaults on foreigners in Tokyo, any further fracas would do great injury to the Japanese cause, but even the mere fact that it has been judged necessary to take these precautions will be a weapon in the hands of the opponents of treaty revision.

THE *Shogyo Shimpo* of to-day's date contains an article headed "The unconscientiousness of foreign merchants," of which the following is a translation. It says "Vilifying language and libel are the worst of vices, and should never be heard from the lips of gentlemen who are upright and just towards others. Even if there be malice evinced and wrong done them, should they retaliate with abuse and calumny, it would be similar to meeting injustice with wrong. This is much more so when such abuse is due to the failure or mistakes of their opponents, while they themselves, cannot be considered as perfect, or are above reproach. We note that a foreign merchant has lately written a letter to a foreign newspaper relative to Japanese merchants and the differences arising between them and foreigners in business transactions. In the correspondence in question the Japanese are roughly abused, being called bare-faced robbers, rogues and scoundrels. Such remarks are no doubt the outcome of imprudence on the part of our merchants, but we think they go too far when they apply such epithets as robbers and scoundrels to our mercantile class. In order to arrive at the seat of the present difficulty, we must go back, when we shall see that some of the Japanese merchants who entered into contracts with foreigners between the latter end of last year and April this year, finding that they would be losers by the exorbitant rise in exchange while the foreign merchants would obtain large profits in consequence thereof, are said to have applied to certain of the latter to make a concession, viz., by deducting 10 per cent from the prices of goods contracted for between January and April, 5 per cent from that month to May and 2½ per cent for June, so that the profits which would be obtained by the foreigners exclusively should be equally divided between them. Exchange, from January to the middle of April was from 3s. 6d., to 3s. 4d., while at present it is 3s. 10d. This difference gives an increased profit of something like 22 per cent to the foreign merchants as compared with the time the contract was entered into. As the exchange was 3s. 3d. for the latter end of April, this gives them a profit of about 16½ per cent. Under these circumstances, the Japanese merchants desired the foreign merchants to divide equally with them the unexpected profit arising from the rise in exchange. This desire is not a proper one, and can only be due to a mistaken idea on their part; still, is it reasonable to call them robbers and scoundrels on this account? We believe such a libel would not be uttered by an honourable and respectable foreign merchant, therefore we do not intend to discuss the question of their injustice towards us. But we must say that this is but the usual course followed, foreigners despising Oriental nations at all times, and whenever occasion offers, their rudeness and arrogance is beyond belief. We do not cover the faults of our merchants because they are our brothers, nor do we misrepresent justice as wrong because urged by foreign merchants. We are well aware of the circumstance that foreign merchants do not obtain all the advantages arising from sudden fluctuations in exchange. With the exception of some adventurous and speculative merchants, the majority of them enter into accurate calculations before making any contracts, in order to avoid any unexpected gain or loss, and by prudent courses obtain a slight margin of profit. Such being the case, everything connected with the transaction is generally calculated at the current exchange of the day and contracts with the banks are settled on that basis, so that

when any abnormal fluctuations take place in exchange the profit or loss arising therefrom is borne by others. Thus the foreign merchants in the settlements can neither lose nor gain very much in consequence of fluctuations. Therefore, though at the present moment there is a profit of from 10 to 20 per cent as compared with January or February, this is practically obtained by others than import merchants;—speculative merchants who have not completed their transactions at the exchange ruling at the time of contract cannot, of course, come under this heading. It is therefore not at all unreasonable that foreign merchants should by angry at the demands of the native merchants,—which they consider unjust,—for a division of the profits arising from the difference in exchange. Nevertheless, on what grounds do they retaliate with abuse and calumniation, so far as to call Japanese merchants robbers. Are the Japanese merchants in truth robbers and rogues, or do their demands justify the appelation of scoundrelism or robbery? It is not so long since foreign trade was inaugurated in this country, so our merchants are not well acquainted with the ways of commerce, and may be ignorant of mercantile ethics. This cannot be helped. Our merchants have no intention of only cheating or causing others loss; this is the outcome of want of adroitness and experience in trade. Is it the conduct of civilized merchants to abuse the Japanese merchants from the outset by calling them robbers? Look at the conduct of foreign merchants engaged in the purchase of tea and raw silk. Are they of such an irreproachable character that they can call others robbers and scoundrels with a clear conscience? Have they never been guilty of rude and overbearing conduct, taking advantage of the weakness of the native merchants? On whom does the blame rest for the several differences between foreign and Japanese merchants? One who blames others should be above such conduct. We are greatly surprised at persons acknowledging themselves to be civilized merchants being so unreasonable, and satisfying themselves with the utterance of abuse and calumniation which even a *jinrikisha* coolie or *betto* would be ashamed to use."

THE *soshi*, it would seem, are determined not to hide their light under a bushel, having again made themselves prominent as a disturbing element, the victims of their unlawfulness on this occasion being Mr. KAWASHIMA JUN, formerly a Councillor in the Department of Finance, but who has lately done much towards bringing about the combination of the Progressive parties, and his brother. He was lately appointed to the committee of the *Rikken Jiyuto*, and attended the meeting which was held at the Yaoikan on the 11th inst., to confer on the ceremonies to be held at the inauguration of the party on the 15th inst. While there half-a-dozen *soshi* intimated that they wanted to see him. As soon as he came out they immediately attacked him with stones wrapped in *tenugui*, forming a kind of slung-shot, sticks, and *tessen* (a fan the frame of which is made of iron), and knives. In the scuffle which ensued Mr. KAWASHIMA JUN was wounded in the cheek, and his brother in the hand. Some members hearing a noise ran to their assistance and others giving the alarm, the police came, but when they arrived, the *soshi* had escaped. However, two of them were arrested the same night. The wounds received by the two brothers are not serious, and they will be well again in a few days.

WHILE the excitement over the assault made upon Mr. KAWASHIMA JUN and his brother by *soshi* had barely time to subside, another of these fellows has brought himself within the clutches of the law, for having attacked Mr. KOKUBO KISHICHI, a member of the Constitutional Radical party, while the latter was returning from his bath. As he was entering the lane leading to his house, a *soshi* named SAKURAI TORANOSUKE sprang at him with a large knife. Mr. KOKUBO turned round when he was cut in his face and breast. The would-be assassin then ran away, but being pursued by Mr. KOKUBO's attendant, he at length took refuge in a police box and gave himself up. The wounded man is expected to recover in about three weeks.

Enclosure 8. with No. 154

The Japan Daily Herald.

WEDNESDAY, 17TH SEPTEMBER, 1890.

Correspondence.

(We are not responsible for the opinions or sentiments of our correspondents.)

FUNDS FOR THE COMMITTEE OF FOREIGN RESIDENTS.

To the Editor of the *Japan Herald*.

SIR,—Talking with a member of the committee on the subject of funds, I was informed that no steps had as yet been taken in the matter, but that it was intended to let every one subscribe as much as he liked or was able to give, and, if occasion should arise, to call for another subscription. I said I thought it would be more satisfactory to the committee to be assisted in their work with fixed monthly subscriptions, so that there should be a fixed income to work upon, and many, perhaps, who were not in a position to subscribe large sums at once, would readily give smaller monthly contributions, which in the end would amount to quite as much or more than some larger amounts given at once. This plan too would save the committee another appeal when the funds now about to be collected were exhausted. Personally I shall subscribe $5 per month, and if necessary for ten years, but I should like to hear the opinions of others on the subject, in your columns.

Your's very truly,

TIRALLEUR.

To the Editor of the *Japan Herald*.

Yokohama, 17th September, 1890.

DEAR SIR,—Two days ago I asked the Editor of the *Japan Mail* to insert a few lines of mine, but as in that letter I contradicted a statement made by Mr. X, in a letter inserted in the number of that paper of the 15th instant, I am inclined to believe that the Editor of the *Japan Mail* did not care to insert any contradiction to the erroneous assertions of his unknown and, I hope, unrewarded correspondent.

This is what I wrote to the *Mail*:

"In reply to Mr. X——— who, in a letter addressed to the *Japan Mail*, and published on the 15th September, states that, although he is no lawyer, he is of opinion that *habeas corpus* is unknown in Europe outside of England, and that trial by jury is likewise unknown in continental Europe, except in certain cases in France, I beg to state that Mr. X——— is perfectly right when he says that he is no lawyer, as all his statements are absolutely wrong. There are juries for almost all Criminal Cases, in France, Italy, Switzerland, Belgium, the Netherlands, Germany, Austria, India, Roumenia, Denmark, Sweden-Norway, Greece, even Monaco and San Marino, and, I think, in Spain and Portugal also. As for the writ of *habeas corpus* there is, of course, no law in Continental Europe bearing that old latin name, but there are in many countries laws very similar to that celebrated writ, and severe penalties inflicted upon those officials who should proceed to commit arbitrary arrests.

If therefore the German and French gentlemen were to smile at each other, it would surely be while listening to Mr. X's extraordinary knowledge of continental judicial proceedings.

I am, Dear Sir,

Your's faithfully,

J. L. HALPHEN.

A REPORTER of the *Nichi Nichi Shimbun* called on Mr. ONO MITSUKAGE, the President of the Yokohama Trader's Guild, to question him regarding his views concerning the meeting of foreign merchants held to oppose the revision of the treaties. Mr. ONO replied that he had his opinion regarding the meeting, but that such a weighty matter could not be spoken of in an off-handed manner. It sounded grand, no doubt, to declare that communication and trade with unjust foreigners who trampled upon the rights of the Empire should be discontinued. It was a national characteristic of the Japanese to be ardent at the outset in discussing any matter, but they rapidly cooled after a time, thus inviting the derision of others. For instance, look at the differences between the silk merchants and foreigners of Yokohama in connection with transactions in silk. Although they combined to suspend all transactions with foreigners, they were unable to maintain it, the result being that they were made the laughing stock of the former. If it is desired to boycott foreign merchants, measures for making this combination firm and lasting must be carefully studied, nevertheless he must point out that such action is unmanly,—the Japanese should oppose foreigners with open and just arguments to the bitter end, in spite of their being met with injustice and injury. He was of opinion that revision of the treaty and trade should be considered separately, so that existing evils may be conquered with justice.

Enclosure 9. with No. 154

The Japan Daily Herald.

SATURDAY, 20TH SEPTEMBER, 1890.

THE principal lure made use of to tempt foreigners to give up their present valuable treaty rights, was the statement industriously urged on behalf of the Government by the *Japan Mail*,—its organ and ally,—of the immense benefit that it alleged would be reaped by foreigners going into the interior and acquiring property there on which to erect factories, and to carry on industries. A long and extensive acquaintance with this country and its inhabitants, inclined us to the opinion which we did not fail to express, that the bait held out was not even worth nibbling at, much less to be swallowed. That the promised advantages were illusive, consequently would not be realized, and would prove to be a bad exchange indeed for the security of which we are now in possession under the protection of exterritoriality. It now turns out that the new treaty proposals merely provide for mixed residence under certain conditions, but contain no provision whatever for the acquisition of land, or other real property beyond the present limits of the settlements. In fact, the Japanese Government say that they cannot name a time when foreigners will be allowed to possess, of their own right, land in the interior. Thus it is that as negotiations for treaty revision progress, everything which can be done to minimise the security, and what might be supposed in the minds of some persons, advantages to inure to treaty subjects, is persistently and carefully whittled away until nothing may be said to remain worth the having. A more utterly one sided bargain than the one which our Representatives and Governments have been so long protocolling and otherwise pottering over, could not well be conceived; and what for indeed, but to gratify Japanese vanity and conceit, at the expense of piling taxation upon our shoulders, and submitting us to laws some of which we abhor, and which are not likely to be well or fairly administered, for no securities are taken to that end, and which our instinct tells us will be operated to our detriment. To lower us to native level under the heel of officialism, to be dealt with after the tyrannical and meddlesome fashion prevalent in Japan, would be an humiliation which no Englishman, at all events, worthy of his name and country, would voluntarily consent to. The abasement would prove too much for him peacefully to stomach.

THE long and we fear failing fight over the appointment of foreign judges to aid in the administration of justice in Japanese Courts, has been permitted to absorb too exclusively the public mind, to the neglect of another consideration of at least equal interest and importance, which is, are Japanese laws in all respects suitable to be applied to the governance of foreigners from free countries, who have been, and who are yet here in the enjoyment of rights for which their forefathers strove in the senate, in the press, and on the field to obtain.

The ordinary offences and crimes against the person or property, and the enforcement of civil rights, are possibly capable of being dealt with properly under the codes, but most important rights which may be said to partake of a personal character, are carefully withheld. We need only mention the liberty of assembling in public meeting without first getting official permission, free speech, writing and printing within the limits of reason, may be taken as illustrative of what we mean.

To an Asiatic people, who have never tasted the sweets of liberty, the witholding of such rights excites but little surprise, and up to this, provokes little or no effort on their part to secure them. They lowly and humbly bow down to authority, and almost, if not quite, abjectly kiss the rod which smites them. But is there any one foolish enough to imagine that independent and public spirited foreigners, are disposed to tamely submit to what the natives are content to endure, without exerting themselves to prevent so enslaving a yoke being imposed upon them, or such ignominious fetters being rivetted to deprive them of their accustomed freedom?

The appointment of independent foreign judges, though of undeniable importance, constitutes only part of the question whether foreigners should consent to be brought under Japanese jurisdiction: what the laws themselves are, and how far they can be accepted as applicable to foreigners in Japan, is an enquiry of at least equal importance. Legislation and administration ought both to be scrutinised, should receive attention, and be considered in conjunction, for they are alike important in their several bearings, for hereafter, if the Japanese get their will, there will be no discrimination in favor of foreigners, for all, in common with the native population, are to occupy the same level, and to be dealt with alike.

WE have learnt, but without the least surprise, that at Kobe, just as here, there are persons whose action with regard to the anti-treaty revision movement, is controlled or affected by the wish to get Japanese contracts, no matter whether Government or otherwise, but more especially the former, and they have concluded, by not coming conspicuously to the front during the present agitation, and manfully and boldly sustaining their part alongside with their compeers, that they will curry favor with those who have favors to bestow, and so they thus hope to steal a march on their competitors in trade.

We take it to be our duty to expose this miserable and paltry exhibition of cowardice and cunning combined,—and most frankly assure the Japanese, if every foreigner felt himself free to act without regard to any other consideration than that of aiding a useful and necessary public movement, that with the exception of a few eccentrics, such as are to be found in every community, foreigners, it may with truth be said, are almost to a man at heart opposed to treaty revision as submitted by Viscount AOKI in his proposals to the British Government.

We warn the Japanese not to be taken in by persons who for their own supposed advantage, or for private reasons, make a pretence of not being actuated by the same spirit as that exhibited by their fellows in regard to treaty revision. The Japanese may be assured that foreigners in general, no matter what they publicly do, or do not do, entertain opinions on this subject pretty much in common, and much at variance with theirs. The great body of foreigners have boldly taken the field to fight for that which is dear to them, and if there are some who hover about in the rear, or prefer to provide for their own safety, or as they think for their own interest, by slyly skulking in the trenches, and who thus leave the fighting to be done for them by others—be it so, but the Japanese will be less astute than we take them to be if they fail to understand, or to see through the very transparent artifices resorted to in order to deceive them. Crawlers will scarcely relish these few remarks, but then, they should not crawl.

THE *Nippon* says that although it does not know for certain the particulars of the draft treaty proposed by Viscount AOKI, yet from what it has heard, it seems to be much more advanced than the previous one, inasmuch as there are no such provisions as the appointment of foreign judges and the compilation of the codes, which were so much objected to last time. It adds, however, that the right of taxation remains the same as heretofore, with the exception of the tariff rates which have been made a little higher. No provision is made in regard to mixed residence, either in the draft or diplomatic notes, although it seems to have been conceded to foreigners, but a matter of special interest is that coast trade will be permitted them. The term of the new treaty seems to be for twelve years, although nothing definite is yet known.

In another paragraph dealing with the same subject, based on information received from a different source, the paper states that the appointment of foreign judges and the compilation of the codes are not mentioned in the new draft, although it is provided that extra-territoriality shall be done away with and mixed residence permitted. In the draft proposed by Count OKUMA it was agreed that the tariff should only be raised 12 per cent, the right of taxation being withheld from the Japanese, and from what the paper can learn, it does not seem as if this would be granted on this occasion, as it is said that the right of taxation would be left as heretofore for the space of ten years after the signing of the new treaty, with the understanding that it may be raised in the mean time by mutual consent. The right of possessing land does not seem to have been permitted to foreigners, this being withheld as a set-off until the right of taxation was restored to the Japanese, and as for the coast trade, several new ports are to be opened.

THE *Choya Shimbun* understands that the appointment of Counts SAIGO and GOTO and Viscount AOKI as delegates for the revision of the treaties is a fact. It adds that when Count INOUYE undertook the revision of the treaties he seems to have taken the entire responsibility upon himself, Viscount AOKI only participating in it at its later stages. Subsequently, when Count OKUMA undertook the task, he also seems to have been entrusted with exclusive power. But on this occasion Ministers representative of the Satsuma, Choshiu and Tosa clans have been appointed, being individually entrusted with as full powers as were given to their predecessors. This step may have been taken more as a precaution in view of its importance to the state, but it may also have been due to a desire to prevent friction within the Cabinet. Count SAIGO and Viscount AOKI will represent the Satsuma and Choshiu parties and make up their differences, and Count GOTO the Tosa clan and *Daido Danketsu*. If these three clans and the *Daido* party can be properly controlled, the matter will not be so difficult, as these Ministers will then be able to turn their ability exclusively to the foreign Powers. Count SAIGO and and Viscount AOKI approved of the two previous drafts, while Count GOTO opposed them. Now, as the latter has become a delegate, it believes he will put his scheme in practice, until a treaty on an even footing is contracted. Although the work of treaty revision is by no means easy, Counts INOUYE and OKUMA have already opened the way so that the present delegates will be able to do so with much less labour. As Count OKUMA has risked his life over treaty revision, the better feelings of the foreign powers have been moved at his misfortune, and should the Japanese take advantage of this and press the matter, a treaty on an equal footing may not be such a difficult or hopeless task. The only thing that was feared was that the Cabinet might not be unamimous on this matter owing to internal ruptures, but three Ministers have been appointed in order to prevent such a thing taking place. In conclusion, the paper congratulates the authorities on the precautions taken and hopes that its expectations will be fulfilled.

The *Osaka Mainichi Shimbun* reports the departure of a Mr. Kobayashi on the 14th inst. for Yokohama, where he will interview Messrs. Lowder, Litchfield, Fraser, Gay, and Brooke. "We do not know," says the *Osaka Mainichi*, "what Mr. Kobayashi will say to these gentlemen, but on his arrival he sent the following letter to a friend of his in this city:—'I have arrived in Yokohama and I am going to call on the foreign merchants, but my difficulty is that I do not know the residences of those on whom I wish to call. However, I will try to obtain this information from the British Consulate and the Custom House. I have no wish to act violently towards any of the merchants whom I may interview, but they may do violence to me if I get into a heated debate with them. Should they attempt violence towards me I have resolved upon my action. Should I meet with danger, let my parents know I met it with a stout heart." How affecting, to be sure.—*Hiogo News.*

Enclosure 10. with No. 184

THE JAPAN GAZETTE.

YOKOHAMA, 8TH SEPTEMBER, 1890.

BRITONS, STAND TO YOUR GUNS!

WE are, in the highest sense, gratified to find that at last Britishers have decided to voice a protest against the consummation of a measure alike prejudicial to their interests and to their safety. It has long been a matter of extreme surprise to us that our countrymen, nay that the whole body of foreigners in Japan, have remained so supremely quiescent in the face of prospective danger; that they have remained apathetic despite the gross misrepresentation which has been practised in regard to them. They have been maligned in Japan; their views have been perversed at home; and yet, under all this, they have remained comatose. Comparatively speaking, they have stood indolently by while the Japanese-cum-English wire-pullers have followed their bent of suppression, of distortion, and of sham both here and abroad. For years, these men with nothing at stake have been continuously palming off on an unknowing outside world the counterfeit of foreign thought, while our giants of commerce have remained absorbed in their pursuits, forgetful of the fact that constant dripping will leave its imprint on the stone. So persistent have these two or three advocates been in their pseudo errand that they must have accomplished at least a little of their meretricious object.

Knowing what we do of Lord SALISBURY's foreign policy it is, on first thought, hard to believe that he really does contemplate placing his countrymen in this land under the uncertain jurisdiction of Japan, without stipulation for "any of the safeguards that have, hitherto, been considered necessary for their protection." But evidences are not lacking that he has some such intention, and that, in the absence of a very strong expression of opposition, he is likely to soon give it effect. We cannot avoid a half thought that the abortive breaking away from the union by two Powers last year has somewhat influenced Her Majesty's Secretary of State for Foreign Affairs, although it is not easy to see why he should emulate the precipitancy of a past U.S. Minister who would have affixed his signature to any covenant, or the scramble of a European Power which ended in a fiasco. A fairer and a truer surmise would probably be, that Lord SALISBURY is not aware of the real state of feeling here; that he has no idea of the apprehensiveness with which Englishmen, and all other foreigners, with cause, view the casting away of all those elements which safeguard our residence in Japan to-day. We were once assured that Her Majesty's Minister in Japan was against such a Revision of the Treaties as Viscount AOKI proposes, and, if this was and still is true, we must take it that Downing Street has the benefit of his views. But, unfortunately, His Excellency has not been in that close contact with his nationals which is desirable, inasmuch as it would have enabled him to accurately gauge how acute and how unanimous is the feeling of well-founded opposition his countrymen entertain in regard to such a course as it is said Lord SALISBURY intends to pursue. And, therefore, we must conclude that the Foreign Office is not thoroughly posted as to the sentiments of those men who have lived longest in this land, the men who have built up British commerce here; in short, is unware of the fact that there is not a foreigner in this country—save those who have been netted by the Japanese Government to plead a cause prejudicial to our well being—who is not arrayed on the side of unswerving opposition to blind acquiescence to demands which are greedy and are likely to prove deleterious; which, if acceded to, would bring us within the scope of laws which are faulty, and an administration which is imperfect; and which, according to the Government organ, twelve months back, are based on "blind folly" and "recklessness" unusual between great Powers.

And now, at the eleventh hour, Britons are alive to the sense of threatening danger. They alone can deter, by one sturdy volume of antagonism, a one-sided arrangement which would intensely endanger our interests. There is little necessity to anticipate the result of Thursday's meeting; for we know full well that it will be a stinging commentary on those forged views which have been submitted to the people at home. We fervently protest against an unconditional surrender of our safety, and Thursday's assembly will, we are sure, re-echo this view in no uncertain way. After all, there is little need to call on Britons to stand to their guns, for this question is so close to their interests that they will, three days hence, express their dignified but uncompromising hostility to a measure so opposed to English canons of statesmanship, inasmuch as it would involve something all safety-loving people shrink from. And it is not enough that Englishmen alone should do this. They are first endangered, therefore they must first array themselves. But victory will be all the surer and more lasting if those whose interests are mutual follow suit and swell the cry of an opposition which is not by any means race prejudice, but founded alone on laudable desire for self-safety.

⁂ We are asked to state that the meeting will open at 4.30 p.m. on Thursday, instead of 3.30 p.m. as advertized on Saturday. This change has been made to convenience some who otherwise, it was feared, would be prevented from attending.

Enclosure 11. with No 154

THE JAPAN GAZETTE.

YOKOHAMA, 12TH SEPTEMBER, 1890.

THE PROTEST OF THREE HUNDRED FOREIGNERS AGAINST TREATY REVISION.

LAST evening's meeting will stand out boldly in the history of foreign residence in Japan as the first occasion on which the entire body of aliens here has so completely united with one common, with one fixed purpose. The event marks a red letter day. Gratifying, wholly concordant, decisive and enthusiastic are terms coming pat to our pen us we ponder over last night's meeting of protestation. Never before has there been such a massing of the foreign element, and never before has there, on any burning question, been proportionate accord. Although the subject of Treaty Revision has been continually cropping up, the views of those who are the most concerned—it is true their nature was common knowledge—had not, prior to last night, been submitted in such a form as was likely to prove weighty. And we may ascribe this circumstance to the fact that our interests of person and of property have never hitherto been so actually endangered as we have good reason to believe they are at the present moment, and perhaps, also, something of this inactivity is due to the misapprehension that our interests could be safely left in the keeping of that Department of the Service to which the specific duty of tending over us is popularly supposed to be attached. But whatever may have been the reasons of this seeming indifference, the fact that the community has, in a measure, emulated the foolish virgins, undoubtedly remains. That—and we are sincerely glad to be able to make the statement—is, however, the story of the past. Yesterday there gathered together in the Public Hall the population of the most important and most influential port in this Empire, Yokohama; and these three hundred gentlemen, with a mutual interest at stake, made dignified yet certain protest against such a change in the environments of foreign life in Japan as, undoubtedly, is threatened. But their action did not cease here. Beyond what we may term the motive proper of the gathering, they adopted the wise suggestion of the leaders of the movement, with the result that, for the first time, there exists an admirable committee embracing representatives of all the nationalities in this place—a cosmopolitan band charged by the members of the community to give effect to their views and be ready for further emergency. This is eminently satisfactory.

After last night's meeting, our morning contemporary must feel acutely chagrined, unless we have to presume that all along it has been fully aware of the true shade of foreign thought in Japan in reference to Treaty Revision. It has persistently alluded to the foreign anti-Revisionites as if they merely constituted a limited bevy, whereas it happens, as we have always known, that the entire foreign population is sturdily arrayed against such a sweeping measure as is now proposed. Despite that our friend has obtained some notoriety as being fitful and fickle, we scarcely recognized it yesterday when it spoke in such dulcet tones of impending opposition. We were told it was subject for congratulation that British residents were going to submit their "views, in lieu of the parodies hitherto put forward by their supposed champions." But it so happens that the views of *all* foreign residents, as forcefully expressed at last night's phenomenal gathering, are in exact consonance with the delineations so frequently offered by the free foreign press; and if our contemporary really did not anticipate this, it certainly does not see as in a looking glass. We quite concede that there has been parody, parody that amounted to gross misrepresentation. It has, however, emanated solely from the Tokyo Duettists, and so totally disproven are their past assertions, so complete and so crushing must be their discomfiture, that more than human effrontery must be called forth before either can pose as representative of foreign thought or repeat the charge of parodying.

Last night's resolutions are models of lucidity and decisiveness. They pronounce in no halting terms against the unconditional surrender of foreigners to Japanese jurisdiction, and assert that the day has not yet arrived when a period for the relinquishment of extra-territoriality can be definitely fixed. And with all this we heartily agree. It is quite clear from the decisions arrived at without the faintest approach to dissent, that the "obvious necessity" of revision conditions being "not less acceptable to foreigners who have to submit to them than to Japanese who have to carry them out" (we are quoting from the *Mail*) has not by any means been yet met. In this degree, the "air" has been "cleared." And who are the men who have thus decided against proposals based, as the *Japan Mail* said a year ago, on "blind folly" and "recklessness" unusual between great Powers? Let us turn to the proposers and seconders of the resolution. Are these men of "unconcealed animus and bitter intolerance?" They are gentlemen of the highest standing; they are gentlemen who have lived longest in the land; they are gentlemen whose ripe and close experience fits them to speak on such a question and imparts to their views incalculable weight. Excluding those who were movers or seconders of bye-motions, they make the imposing array of 160 years' residence in Japan; and if we embrace the Chairman, the total is well nigh on the double century! And it must be remembered that they were backed by the entire community. The resolutions passed last evening are not the views of a narrow and prejudiced coterie. They represent a phalanx of calm but unswerving antagonism to a measure which is prejudical and therefore gives us just cause for apprehensiveness. Those with whom Japan is in negotiation cannot, we are sure, ignore such a complete consensus of concord pointed conclusively against a covenant which, if agreed to, would be nothing less than reckless concession.

Enclosure 12 with No. 134

THE JAPAN GAZETTE.

YOKOHAMA, 13TH SEPTEMBER, 1890.

THE native papers contain many references to Thursday's meeting. In one we read that the members of an association known as the Kinkisha—a body which claims for itself much public-spiritedness—are highly offended with the action of foreigners and have decided to send Messrs. Shoshi Tatsusaburo of Miyagi-ken; Inui Rokuro of Nara-ken; and Kaneko Ryoichi of Ibaragi-ken, to Yokohama as delegates to "open negotiations" with Englishmen and at the same time to hold here a monstre meeting advocating the expulsion of Englishmen and to otherwise stir up

The Nippon informs us that two men bearing the names of Nagao and Kobayashi, who consider the opposition of foreigners to Treaty Revision as reflecting on the dignity of the Empire, have issued a circular calling on native merchants to unite and cease business with foreigners. This action, which is described as patriotism, it is said will break up the opposition.

* * *

The *Nichi Nichi* publishes a news agency paragraph to the effect that Japanese who have time to look round suspect that the opposition of foreigners was originally formed by Japanese with an object. This is about as indefinite as it is foundationless, but we suppose the inference is meant for those who supported Count Okuma. The News Agency says it has made careful enquiry and has unexpectedly discovered, although it is not quite sure of what it says, that the orginators were Japanese who accomplished their object through the medium of the missionaries! What next?

* * *

The *Mainichi Shimbun* says that certain Japanese resident in this port held a meeting on Saturday last, and as they consider the action of Thursday's meeting was a slight on Japan's dignity they are not going to pass the matter in silence. Mr. Fraser is to be honoured with the first visit.

* * *

IT seems as if fears are entertained by those in authourity that personal violence may be inflicted by *soshi* on foreigners on account of the recent united protest in the Public Hall, for the *Kokumin* states that instructions have been forwarded to the Governor of this Ken to exercise special vigilance over this particular class of Japanese.

* * *

The *Mainichi* hears that several of the well-to-do Japanese in Yokohama, among them Messrs. Sakai and Enomoto, purpose opening negotiations with the committee of gentlemen elected by the foreign residents at the late meeting, and that they decided to consult the Members of Parliament at their meeting held at the Kodo Club on Saturday. If the latter approved of the project, a committee was at once to be appointed to confer with that of the foreign residents.

* * *

The *Mainichi* publishes what purports to be a personal interview between a person signing himself *Shuyoku Koshi* and Viscount Tanaka, Privy Councillor and ex-Minister to Paris, who is said to be in close touch with both foreign and native affairs in this country. Answering the queries, if it was true that Viscount Awoki's negotiation were not for a Treaty on equal footing, if it is possible to accomplish a Treaty on equal footing, and if the Viscount would declare his views on Treaty Revision, the Viscount is reported to have replied as follows: "A Treaty on equal footing may be proposed, but it is impossible to bring it into effect. Had it advanced an inch in 1887 and a foot last year, there might be hope for the conclusion of such a Treaty during the present year, but we cannot expect its accomplishment at a single bound when the confidence of foreign Powers has only been gained after two attempts (Count Inoue's and Count Okuma's)." — "Have you any certain idea how a Treaty on equal footing may be concluded, and how it is that various Powers refuse Japan's demands?"— "The Europeans do not recognise Japan's best points—only its defects. That is why they regard the Japanese as savage. They merely observe Japan from her superficial appearances and they do not realize the true standard of her civilization. Therefore it is most expedient we should acquaint them with the true state of affairs in order to conclude a Treaty on equal footing, and to this end the diplomatic officials must endeavour to come in close connection with the higher classes of people of the various Powers and inform them, directly and indirectly, of Japan's condition. During my residence abroad I invited everyone I met to visit Japan and witness for himself the state of things."—"The disposition (of Japanese) has, I think, the nearest resemblance to the French?"—"The Saxon race are sober-minded, while the Latin are impetuous. For this reason the French and Italians are gifted but reckless. Englishmen or Germans do not fail through heedlessness, as they are not impetuous in anything. The Japanese are very impetuous and they fail in important matters through heedlessness. Therefore they must be careful in this respect as they are now under a constitutional Government."

Enclosure 13. with No. 154

THE JAPAN GAZETTE.

YOKOHAMA, 16TH SEPTEMBER, 1890.

THE TREATY REVISION QUESTION.

To the Editor of the *Japan Gazette*.

Dear Sir,—The recent meeting of the foreign community has evoked, through the Japanese press and the *yatoi* organ of the Japanese Government, a deal of the latent antipathy of the Japanese against the foreigner. I think it is a pity that our Ministers have displayed so much weakness for several years in withholding from the commercial communities the text of the treaties proposed by the Japanese Governments, since they have the right of being made acquainted with the nature of the laws they are to be made subject to; by such pandering to the weaknesses of the Japanese, foreign Powers weaken themselves and their power or influence upon the Japanese official classes. The way these matters are generally treated in Europe is that the Draft treaties are printed and circulated in legislative assemblies, and through the press the interested public secure them as public property. This wholesome custom should be made known to the Japanese Government and the political bodies, for it would educate them to know the measure of freedom enjoyed by foreigners. On the other hand, the consent on our part to secrecy is a display of servility which is not in touch with modern public spirit in Europe and America. The Japanese Government ought not to be surprised at Englishmen initiating a meeting to protest against a change from practical safety and freedom to uncertainty and restrictions, the measure of which they naturally infer from her drastic Press laws and the volumes of ordinances published day by day in the *Japan Mail*, many of them at variance one with the other. With reference to matters in law courts one objectionable feature is procrastination, which is equivalent to a refusal of justice. I know of a suit against a Japanese trader, a most highly respectable citizen of Tokyo, well connected, well educated, etc., four months awaiting a day for a hearing, while 10 days is or should be the usual term for a day for hearing. And this is in 1890! This is a sample of the privileges in store for the "alien" when he is under Japanese protection. Practically this is refusing justice to the alien, and this continues after repeated reminders are sent to the Japanese Court at Tokyo. It was not because it was vacation time, but I think the Japanese defendant, being "highy connected," has influence at Court. Whether so or not, one fact is certain; the foreigner has no justice from that Court.

I insert these statements in order that the *Japan Mail*, *The Times* correspondent and Sir Edwin Arnold and their supporters and admirers may discover that fact is better than fiction with practical business and political readers of articles and letters in local or foreign journals. Really the Japanese Government ought to be more wide awake and prevent everything to their detriment, as they are spending so much money on correspondents to secure a treaty having sole jurisdiction over "aliens." "Procrastination is the thief of time," and so it is of justice, commerce, progress, in fact the foster mother of all that is unfair and inimical to progress and national success.

A great Empire and a just country treat aliens with especial impartiality and kindness. They should be treated as honored guests, but they are not in Japan unless they are Princes, Professors or Journalists. This is a mistake which the Japanese should be advised not to commit any longer. One good reason alone will suffice: it is the commercial men that enrich a nation. "Stars" are valuable as ornaments only.

Yours faithfully,

JOHN HARTLEY.

Yokohama, Sept. 16th, 1890.

A gentleman on the Tokyo Stock Exchange writes in the following strain to the *Hochi Shimbun*, *re* the expression of foreign opinion on Treaty Revision in Yokohama:—

It is with deep regret to me that English residents in Yokohama opposed the Revision of Treaties and determined to delay the same. I decided I would not do any business with such people, but, having been told there are some among the English who support Treaty Revision, will you kindly insert the names of the foreign residents in Yokohama, classifying the Revisionists and the anti-Revisionists, and I shall then discontinue business with the latter.

* * *

The *Mainichi* states that Mr. Kobayashi Sentaro, of Chiba-ken, being grieved at the resolutions passed by the Public Hall meeting, has addressed circulars to the foreign trade merchants of Tokyo and Yokohama advising them to take concerted action in the interests of Japan, and that on Sunday he waited on Messrs. Fraser, Lowder, Litchfield, Gay and Brooke and discussed matters with them.

* * *

THE same journal publishes the following, which it says has been addressed in circular form by Messrs. Enomoto Keisaburo, Sakai Keiji, Hamano Kinsuke and 88 other *Yushisha* (public spirited persons) to Mr. Fraser yesterday:—

Dear Sir,—We learn from the different newspapers that on the 11th inst. your countrymen, and other foreigners residing in Japan, to the number of several hundred, held a meeting at the Public Hall and passed three resolutions against the granting of Treaty Revision as demanded by the Japanese Government. We are unable, as dutiful subjects of Japan, to view the matter in silence, and we desire to have a personal consultation with you in reference to the three resolutions above named.

We should be very much indebted if you would send a reply, before noon of the 16th inst., stating whether or not you accede to our request.

We remain,

THE INVESTIGATION COMMITTEE.

To Mr. J. A. FRASER,

Chairman of the meeting.

After writing the above letter the signatories wrote to the Guild of Foreign Trade Merchants in Yokohama, asking their views on the matter.

Enclosure 14. with No. 154

THE JAPAN GAZETTE.

YOKOHAMA, 17TH SEPTEMBER, 1890.

THE ANTI-REVISION MEETING.

TWO parties are chiefly and specially interested in the question of Treaty Revision—the Japanese Government and people of the first part, and the foreign residents in Japan of the second part; but the former seem to think that the latter have no right to hold an opinion on the subject, no right to express it. A quiet and orderly meeting of foreigners, called to pronounce a collective opinion upon a matter of such vital importance to themselves, is deemed an insult and outrage to the parties of the first part. If anything were needed to illustrate the utter inability of the Japanese to deal with foreigners in a spirit of justice and impartiality, it is amply afforded by the hostile and intemperate exhibition of feeling on the present occasion. The vilification of foreigners by Japanese newspapers and Japanese speakers betokens the grossest intolerance, and is the reverse of assuring for the future. We cannot find one shred of palliation for the deeds of those writers who, from day to day, are unsparing in effort to infuse into the feather-brained hotheads so plentiful in Japan feelings of hatred toward foreigners, and to inspire such forms of action as can only contribute serious discredit to Japan. If the gentlemen in question think the courses they are at present pursuing are likely to have a persuasive influence on the foreign mind, they are labouring under an intense misconception. The only effect is to accentuate apprehensiveness and strengthen the belief of foreigners that their fears are well founded. Sensible Japanese cannot fail to view the present inflamed policies of these mistaken publicists with disfavour, because they must, if they are possessed of any discernment, note that their tendency is the deplorable one of still further prejudicing the interests of Japan. The foreigners resident in this port have been guilty of no more serious crime than that of assembling to state their views regarding a measure which possesses a momentous relation to them. They had a perfect right to gather together, and it was equally proper for them to say what they thought. It has never been our privilege to attend any meeting that bore less trace of animus or was conducted with greater propriety. In very temperate language foreigners set forth their opposition to Treaty Revision as now proposed, not, as we have repeatedly pointed out, by reason of any race prejudice, because such a feeling does not exist, but solely because they felt that they would not be sufficiently safeguarded. That decision is naturally unpleasant to our Japanese friends, but, however unpalatable it may be, they should endeavour to emulate the spirit in which Thursday's meeting was conducted; and especially at this moment is it desirable, in the interests of the cause they plead, that their words of objection shall not be sullied by such unjustifiable and angered libel as is being hurled at the foreigner.

Our morning contemporary has said much regarding the protest of the foreign community, and its utterances have been such as we looked for. The *Mail* in its advocacy of Treaty Revision—it mattered little who was the proposer or what the scheme—has been even more zealous than the respective Ministers who have tackled the problem; and, therefore, we need not marvel that it now seeks to belittle the importance and weight of Thursday's meeting. When we recollect that our contemporary has supported all the capricious and shifty schemes which have been submitted by Japan to the Foreign Powers we are not, we say, at all astonished to find it playing the part of detractor, to hear it describe the foreign community of this port as "a band of agitators," and speak of the proceedings as "a concert of bigotted contempt and distrust." Our contemporary has ever been pitted against popular thought, but never more so than in regard to this question of Treaty Revision, and this is the first lusty public denial it and the sentiments it preaches have received. Only half an eye is needed to see how it squirms under the blow Thursday's meeting inflicted. For years foreigners have been silent, and so they have lent a little colour to the frequent assertions of the *Mail* that only a few abnormal timids shuddered at the prospect of revised covenants. During their inertness it has been able to engage in not a little misrepresentation. Now, however, when the reckless policy to which it has committed itself has been disowned by the foreign community and it stands alone deserted and forlorn, we see what we looked for. Only one game is left to our contemporary, and for the last few days it has assiduously affected that move. But its voice is as one crying in the wilderness, and we would ask it what of "the puny and ever weakening struggles" of the opponents of Treaty Revision to which it alluded not more than a few days ago? To-day it clearly appears that the entire foreign community is distinctly and enthusiastically opposed to Treaty proposals as they at present stand, and that fact will not be minimized by the fuming and diluted contumely of our morning contemporary. The fact that all those with the widest experience of Japan and her institutions are arrayed against the

unconditional concession to Japan of those functions a Minister and a limited cluster of supporters ask cannot be evaded. Neither can the importance of such unanimous disfavour be contracted by all the sophistry and plausibility the *Mail* can command. If, as our contemporary predicts, it will not affect negotiations, then we shall, for the first time, have to confess that the British Government scorns the fervent wishes of its subjects—who are backed by all other nationalities represented here—and counts their safety as nothing. For our part, we think very differently.

THE latest and most absurd gossip connected with Treaty Revision is that Lord Randolph Churchill has interested himself in the subject and has written a memorial opposing the proposed new covenant. This rumour is published by the *Nichi Nichi*, that journal expressing incredulity.

* * *

Mr. Kobayashi Sentaro, of Chiba-ken has, according to the native press, fulfilled his threat to interview Mr. J. A. Fraser. The conversation, judging from reports we have seen, was only very brief and contained little calculated to satisfy Mr. Kobayashi.

* * *

We doubt if Mr. Fraser feels honoured by the attention he is at present receiving from misguided men who think that heaven has decreed they must constitute themselves into a peripatetic Foreign Office. Yesterday we reported that thirty-six "public spirited" gentlemen had addressed the following letter to Mr. Fraser:—

Dear Sir,—We learn from the different newspapers that on the 11th inst. your countrymen, and other foreigners residing in Japan, to the number of several hundred, held a meeting at the Public Hall and passed three resolutions against the granting of Treaty Revision as demanded by the Japanese Government. We are unable, as dutiful subjects of Japan, to view the matter in silence, and we desire to have a personal consultation with you in reference to the three resolutions above named.

We should be very much indebted if you would send a reply, before noon of the 16th inst., stating whether or not you accede to our request.

We remain,

THE INVESTIGATION COMMITTEE.

* * *

We read that Mr. Fraser has replied as follows:—

I have to acknowledge the receipt of your note requesting an interview with Mr. Fraser relative to the meeting of foreign residents held in the Public Hall on the 11th inst. I regret to say that Mr. Fraser is unable to accede to your request for these reasons. (1) His own pursuits absorb the whole of his time, and (2) although Mr. Fraser is a member of the committee appointed, that committee does not exist for the purpose of discussing the question with either foreigners or Japanese. Mr. Fraser has directed me to write you thus.

I remain, &c.,

E. MEREGALLI.

* * *

THE *Daido* hears that Treaty negotiations with Germany and America will shortly be resumed, and also that Count Inoue is likely to succeed Viscount Kawase as Minister to England.

* * *

Our contemporary the *Mainichi* declares that instead of forwarding the resolutions passed at Thursday's mass meeting by wire from Yokohama, the Committee decided to despatch them from Shanghai to prevent them being tampered with by the Japanese; and to make the statement complete, says a member of the Committee proceeded to Shanghai by the French mail on Sunday to carry this decision into effect.

* * *

The journal further informs its readers that Mr. Fraser has a policeman on duty at his residence on the Bluff, and that Messrs. Lowder, Litchfield, Gay and Brooke each carry a revolver on their person; also that Mr. Fraser is in the raw silk and import business at No. 148 and that he has made his wealth in Yokohama.

* * *

The *Hochi* is anxious to learn the name of the informant by whom the news was furnished which resulted in Thursday's meeting, no clue to his identity having yet been found. Some, it says, believe it is Mr. Thomas, formerly the Chairman of the Yokohama Chamber of Commerce who has been in England now for some months. Judging from his past conduct, the *Hochi* does not see that it has been such as to lead one to the opinion that he would advocate anything detrimental to the interests of Japan, but thinks he may have written explaining what the position of England would be in the case of a revised Treaty with Japan.

* * *

The *Tokyo Koron* professes to think that the Master of Napier, Secretary of the British Legation, and Mr. Lowder were the promoters of the meeting, and advances as its reason the following extraordinary explanation: "The Master of Napier who has always held the post of Acting Minister, is ambitious to become the Minister and regards Mr. Fraser, the present Minister, as an eyesore and has endeavoured to make his Ministry a failure. Meanwhile, there being a general opinion that Mr. Fraser was indifferent about his country's affairs, the Master of Napier seized the opportunity to instigate Englishmen resident in Japan to raise the present agitation. Mr. Lowder rendered great assistance towards bringing into operation Count Okuma's Treaty Revision scheme, on the tacit understanding that he was to become one of the four Judges to the Japanese Supreme Court under the provisions of Count Okuma's Treaty. But the scheme having fallen to the ground by reason of Count Okuma's resignation, Mr. Lowder's plans were fruitless and it was on account of his disappointment he promoted the recent meeting. It is believed that Mr. Lowder's aim is to have Count Okuma's proposals revived and accomplish his desire to be one of the foreign Judges to sit in the Supreme Court of Japan." The *Koron* makes a thinly veiled attempt to conceal the malice which is apparent in every sentence of the above, by concluding "we believe this rumour, however, to be untrue." The same journal applies the insulting proverb "*shishi shinchiu no mushi*" to Mr. Lowder.

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In another note it applauds the "lenient and magnanimous" policy of the British Minister, as contrasted with that of Sir Harry Parkes who, it declares, raised commotions over the most trifling matters, and says the present agitation has been gradually led up to by the Azabu tradegy, the Summers affair, &c., British subjects urging the British Minister to take some action. He declined however, on the ground that if villains or burglars inflict injury on Englishmen that is a personal and not an international matter, as burglars and villains are found in every country and the Japanese Government cannot avoid them. He was extremely cool in regard to the recent anti-Revision meeting, continues the *Koron*, and hence the dissatisfaction among British subjects and the charge that the British Minister was indifferent to his country's affairs. Such, it says, has been the drift of some of the utterances of the *Japan Gazette*, and such is the reason of the agitation against Mr. Fraser.

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The Taito Joyaku Kwai, the Society which was recently formed, with a Treaty on equal footing with other nations as its platform, has not, our same contemporary says, been indifferent to the recent expression of foreign opinion, but has addressed the Yokohama and Tokyo native Chambers of Commerce asking them to cease business with those foreigners who took part in Thursday's anti-Treaty Revision meeting.

Enclosure 1. with No. 154

THE JAPAN GAZETTE.

YOKOHAMA, 20TH SEPTEMBER, 1890.

THE *Choya* says replies must by this time have been received from the various Treaty Powers by the Treaty Revision Committee and the renewal of negotiations therefore are to expected. Owing, however, to the attention of the Japanese Government being at present occupied with home politics, our contemporary is of opinion that the negotiations will be delayed unless the negotiatory Powers desire it otherwise.

* * *

Our contemporary the *Kokumin* appears to be unnecessarily exercised over what it is pleased to term the "savage" and mistaken" agitation among the foreigners here, and, by a wonderful stretch of imagination it attributes "insolence," "violence" and "ignorance" to the English Press here in connection with the forthcoming visit of the Czarewitch of Russia. Its arguments in support of its belief are even more unjust and ridiculous, its contention being that Russia and England are both striving to gain the good will of the two foremost countries in this quarter of the globe, China and Japan, and that Englishmen here are envious that Russia should be taking such steps as arranging for a visit of the Czarewitch to promote greater intimacy between her and Japan! Thoughtful Englishmen, it says, regret the action taken by the British merchants here and are of opinion that it is inimical to "John Bull's" diplomatic policy. The *Kokumin* also views with regret the "stupidity" displayed by the English in this affair.

* * *

The *Nippon* believes that the material differences between the proposals of Viscount Awoki and Count Okuma—the former (Viscount Awoki's) of which it of course considers the best—are, that in the former the Customs Laws differ in that the tariff is slightly raised, mixed residence inland is not stipulated for either in the Draft Treaty or Diplomatic Notes, foreigners are to have the privilege of trade coasting, and the Treaty is to remain valid for twelve years.

* * *

In commending the appointment of Viscount Awoki, Count Saigo and Count Goto as a Treaty Revision Committee, as being calculated to remove all internal dissensions, the *Choya* states that the two first named supported the proposals of Count Inoue and Count Okuma, while Count Goto opposed them both and demanded a Treaty on equal footing. It believes the sympathy engendered by the attack on the life of Count Okuma has aroused a certain amount of sympathy among Foreign Powers and will facilitate negotiations.

* * *

THE *Jiji Shimpo* counsels moderation of language both on the part of foreigners and Japanese, and says Japan only claims from the Powers what she is ready to grant to them. Thirty years ago, it declares, the Treaty Powers were ridiculing and reviling Japan and trying to break down her exclusiveness, and yet now, when Japan desires to throw open the country, they wish to be confined to Treaty limits and do not want the country opened to them. Looking back to their action 30 years ago and now the *Jiji* says they have cause for shame.

THE TERM "ANTI-REVISION."

To the Editor of the *Japan Gazette*.

Sir,—I wish to protest against the use of the term "anti-revision" to express the object of the meeting held on the 11th inst., or the attitude of those who supported it. Of the 438 persons who were either present on that occasion or who have since signified their adhesion to the resolutions by signing them, there are few, if any, who are animated by the sentiments attributed to them by one who, isolating himself from his fellows, nevertheless undertakes to pose as the expositor of their views, and as the only true friend of Japan. Japanese and foreigners would understand each other better but for the writings of the *Japan Mail*. To advocate the cause of Japan is one thing; to do so by holding up the members of this community to obloquy, by misrepresenting them, and by extolling the Japanese at the expense of the foreign residents of Yokohama, both here and in the columns of the *Times*, may be a congenial occupation for the editor of the *Mail*, but it is a vicious and a perilous proceeding. Take the case in point. British subjects, having reason to apprehend that their interests are about to be sacrificed, call a meeting to protest against the unconditional abandonment of extra-territoriality. What happens? Their avowed object is ignored; perverted motives are attributed to them; the vilest abuse is showered upon them; the Japanese are told they have ample reason for indignation; that they are justified in thinking they have been bitterly insulted; and, finally, they are warned that they cannot afford to be impatient "unless, indeed, they are already resigned to the end towards which the acts of men like the promoters of the anti-revision meeting would inevitably drive them." The intention of such inflammatory writing is obvious, and the suggestion, I am sorry to say, has already borne promise of fruit. The Japanese Government have indeed reason to regret their choice of an advocate, but they have nobody to blame but themselves if they are identified with his utterances.

So far from being opposed to revision, there is not an intelligent man in the community who does not admit that Japan is entitled to demand a relaxation of the terms of the present Treaties. We recognize, with sincerity and admiration, the progress she has made, and we sympathise with her aspirations; but we say that she has not yet proved her right to claim unconditionally the promise of unrestricted judicial control over us, and we believe that outside the *soshi* there are few Japanese who do not admit that we are right. The term "anti-revision" is, therefore, unwarranted, and discerning men will in future avoid its use.

I am, &c.,

J. F. LOWDER.

Yokohama, 20th Sept., 1890.

Enclosure 16. with No. 154

The Japan Daily Mail.

Yokohama, Saturday, September 13, 1890.

THE TREATY REVISION MEETING.

It seems to us that when the community of Yokohama comes to consider the action to which it pledged itself at the Treaty Revision Meeting on the 11th instant, there will be some surprise and even disgust. From beginning to end the affair has been of a strange and startling character. The meeting came together in response to an advertisement bearing no signature, emanating from a totally unknown source, and professing to be "by order." Under such circumstances, it might have been anticipated that one of the first steps taken would have been to tender or seek an explanation of this extraordinary formula. But nobody seems to have thought of doing either the one thing or the other. It was enough for those present to know that they had been brought together. They cared nothing about the means, nothing about the form of summons; and this indifference as to preliminaries, supplemented by the fact that so large a number of residents put in an appearance, must be taken as denoting unusual interest and earnestness. But if such was the mood of those present, how are we to reconcile it with the fact that outside the little band of gentlemen by whom the demonstration had evidently been projected and organised, not one person brought with him an idea which seemed worthy of ventilation; not one person had a question to ask or a word to say? The whole affair suggests the idea of a theatrical performance at which half a dozen persons played the principal rôles and all the rest behaved as audience. Possibly this was because everybody's mind was made up beforehand to vote for whatever anti-revision propositions were submitted to the meeting, putting no queries and raising no issues of any kind. Such very practical determination is, in one sense, impressive, but its consequence was to impart to the proceedings a meagre and stereotyped character which must necessarily detract greatly from their value as an intelligent expression of public opinion. The little band of leaders were active enough. They all came with duly prepared speeches, moderate and for the most part effective, and they had the pleasure of finding an appreciative and not inquisitive audience. But the difficulty of performing all the items on their programme with such a limited corps must have been keenly brought home to them when they found that, in two instances, the task of proposing names to serve on a committee had to be discharged by the aspiring committee-men themselves. These, however, are small matters compared with the singular discovery made after the meeting had assembled, namely, that no one could give any distinct explanation of the causes of the agitation. The Chairman was perfectly frank about this. He confessed his complete ignorance, and avowed himself a searcher after the very information on the strength of which the meeting had been convened. He alluded mysteriously, however, to a gentleman possessed of information, trustworthy but obtained from a source which could not be divulged. This gentleman turned out to be Mr. J. F. Lowder. Mr. Lowder for a long series of years occupied a position of honour and trust in the Japanese Government's Service, and is now a life pensioner of the same Government. During that protracted period his sympathies were openly and strongly given to the cause of Treaty Revision, and to the efforts made by Japan to obtain international recognition of her rights. Whether with such a record immediately behind him, the part now played by Mr. Lowder is consistent with the dictates of either decorum or friendliness we shall not attempt to decide. It is certain, however, that the official confidence which he formerly enjoyed, and the sources of knowledge to which he now has access, render his statements credible. For that reason, perhaps, the meeting was content with his very vague assertion that he had obtained, "from a source which convinced his mind of the truth of the fact," information that there is imminent danger of the English Government's accepting Japan's proposals, and placing British subjects under Japanese Jurisdiction without any of the safeguards hitherto considered necessary. On the strength of this hazy piece of news, resting entirely on Mr. Lowder's responsibility, the meeting had been convened, and showed itself prepared to act. In such a remarkably complacent mood it proceeded to consider resolutions which would never, we are persuaded, have been accepted on calm reflection. The first resolution consisted of two parts, to one of which the meeting's unanimous consent was

natural and proper—namely, that "the time has not arrived when questions in regard to rights, whether of property or person, arising between subjects and citizens of Foreign Powers in the dominions of His Majesty the EMPEROR of Japan, can be unconditionally and safely subjected to the jurisdiction of Japanese tribunals." This decision, we say, is precisely what any body of Englishmen might have been expected to formulate. It is, to be sure, a strangely worded decision. For it speaks only of "rights of property or person arising between subjects and citizens of Foreign Powers in Japan," and says nothing whatever about the very much larger and more important question of such rights as between Japanese and foreigners. We can conceive what the drafters of the clause intended to say, but in a case so important their phraseology ought surely to make no demands on our imagination. It is the second part of the resolution, however, which may fairly be described as astounding. Anybody, even Mr. LOWDER, the proposer of the resolution, can claim that Treaty Revision without guarantees may not inconsistently be opposed by advocates of Treaty Revision with guarantees. But every form of revised treaty, whether proposed in the past or to be proposed in the future, must contemplate the complete abolition of Consular Jurisdiction after a fixed term of years. No guarantees offered by Japan can be claimed in permanency. Their operation, as part of an international agreement, must be of a temporary and limited character. When, therefore, the meeting passed a resolution declaring that "the time has not arrived when an estimate can be formed of the period within which the unconditionnl relinquishment of extraterritorial jurisdiction in Japan can be safely promised," it declared, in the most unequivocal manner, that the time for Treaty Revision on any terms whatever has not yet come. There is no gainsaying the import of this clause. The meeting of Thursday last distinctly pledged itself to the assertion that any attempt whatsoever to revise the Treaties is at present premature. Did the gentlemen who voted this extraordinary and sweeping resolution understand what they were about? We greatly doubt it. Mr. LOWDER himself, in his speech proposing the resolution, declared his regret that the negotiations of 1887 had proved a failure. But the principal condition of the draft treaty of 1887, as Mr. LOWDER well knows, was that Consular Jurisdiction should be completely abolished after a fixed term of years. Are we to understand then, that what was not premature in 1887 is premature in 1890? Mr. LOWDER evidently relied implicitly on the disposition of his audience when he permitted himself to drift into such flagrant contradictions. And he was right. Consistency is evidently an idle fancy now-a-days. Last year a deputation from the Yokohama Chamber of Commerce assured Count OKUMA of their sympathy with his efforts to secure Treaty Revision. This year the Vice-Chairman of the Chamber, who was himself a member of that deputation, votes for a resolution declaring that Treaty Revision is out of the question.

Passing to the second resolution, we find that it was laid before the meeting in terms which betray singular misconception of facts. The resolution ran thus:—"That in the opinion of this meeting it would be an act of grave injustice to foreigners who have purchased land in Japan under covenant with the Japanese Government, if the conditions or incidents of their tenure of such land should be altered without their consent." Now as to the general question whether land leased in perpetuity on certain terms may be placed upon a different footing without the consent of the lessee, we can understand that many persons will be disposed to hold strong opinions. On the other hand, we cannot understand or believe that any fair-minded foreigner, enjoying in Japan all the rights and privileges of a Japanese subject, would object to being placed on the same fiscal footing as a Japanese subject. An alien cannot properly claim, in any part of the world, that he should be allowed to conduct trade or industry on terms more advantageous than those enjoyed by a native. When, therefore, the foreign land-renters receive title-deeds of ownership in lieu of their present leases, and are placed in all other respects on the same footing with respect to land tenure as Japanese subjects, it will be an act of simple justice that they shall be liable for whatever land taxes are leviable upon land similarly held by Japanese subjects. The resolution submitted to last Thursday's meeting by Mr. A. O. GAY, and unanimously carried, speaks of "foreigners having purchased land in Japan under covenant with the Japanese Government." Where is any evidence of such purchase to be found? Not in the Treaty. The third article of

the Treaty between Japan and Great Britain, after enumerating the ports to be opened to British subjects on July 1st, 1859, says:—"In all the foregoing ports and towns, British subjects may permanently reside. They shall have the right to lease land and purchase the buildings thereon." The land, it will be observed, is to be "leased;" the buildings "purchased." Mr. GAY, in his speech proposing the resolution, said:—"The properties were all sold at auction by the Government, proving that the right of property was acquired, apart from the ground-rents, and those who bought them paid for the property." These statements betray singular carelessness and want of research. If Mr. GAY had taken the trouble to think he would have remembered that all the properties held by foreigners were not purchased at auction, many of them having been handed over by the Japanese Government without any charge whatever. And if Mr. GAY had taken the trouble to examine the Treaties and Conventions, he would have learned that the money paid by foreigners at auction cannot be regarded as the price of the properties they occupy. Yokohama happens to be the Settlement concerning which least information is obtainable from the letter of the Conventions. But even with regard to Yokohama Mr. GAY can inform himself. If he turns to the memorandum of 1864 and the Convention of 1865, he will learn something about the destination of the money paid by foreigners for lands acquired at auction. Referring to the Swamp Lots, the former document says that "the proceeds arising from their disposal shall be added to a municipal fund, which shall be employed for the making of drainage and roads, &c., and keeping them in a state of repair," and with regard to the Bluff Lots the latter document provides that "the premia obtained by their sale at public auction shall be used for the improvement of the locality." Certainly these articles and others which can easily be found, do not indicate that the foreigners acquiring Swamp or Bluff lands, paid the Government for the right of property in them. Further, Mr. GAY went on to say that "the ground-rent was fixed, representing the equivalent of the Japanese taxation at date," and he then wandered off to speak of income tax, evidently under the impression, which his words conveyed to his hearers, that the ground-rents include all kinds of taxation. Here again he might easily have avoided flagrant misconception by referring to the Hyogo and Osaka Convention of 1867, where the nature of ground-rent is very clearly defined—namely, "an annual rent calculated at a rate that will be considered sufficient to meet the expenses of keeping in repair the roads and drains, the cleansing and lighting of and maintaining order in the settlements, and the ordinary land tax payable at the present date to the Japanese Government." The only tax included in the ground-rent is the land tax, and we must confess unbounded astonishment that an old resident like Mr. GAY, having undertaken to address a public meeting of Yokohama residents on a subject so often discussed and so easily studied, should have betrayed such remarkable ignorance.

As to the silly speech of another member of the little corps, one of the firebrands of this Settlement, who intimated that Japanese jurisdiction could never be trustworthy until those fine old English institutions, *habeas corpus* and trial by jury, were introduced, we need not waste space on such empty clap-trap. Nearly all the most highly civilized nations in the West are without both *habeas corpus* and trial by jury, and Japan also can very well afford to dispense with them. Altogether it must be confessed that the anti-treaty-revision movement, with whatever enthusiasm and earnestness its little posse of promoters may be animated, has been inaugurated amid a good deal of blundering and confusion. Absolute ridicule it might have escaped had fate been a little kinder. But the last straw was added when the name of a Chinaman was included on the roll of the Committee of Thirty Citizens—a Chinaman to work hand in hand with the champions of Western progress in protecting the privileges of the "superior races" and opposing Japan's claims to be recognised as a civilized country! Could the irony of an evil genius be more cruelly displayed than in this wonderful association of a Celestial with the guardians of Yokohama's haughty isolation!

Enclosure 17. with No. 154

The Japan Daily Mail.

YOKOHAMA, TUESDAY, SEPTEMBER 16, 1890.

THE EFFECT OF THE TREATY REVISION MEETING.

WE find it impossible to believe that the resolutions passed at the Treaty Revision Meeting will have any serious effect on the course of the negotiations. It goes without saying that in such a matter HER MAJESTY'S Government will be disposed to consult the wishes of British subjects residing in Japan, but it is equally obvious that the Secretary of State must be guided by the dictates of reason, by the obligations of national dignity, and by the principles of sound statesmanship. All these he will have to ignore, we think, if he resolves to follow the route now indicated for him.

If the first resolution—which, after all, is the only one that has any bearing on the general question—had been confined to a declaration that, in the opinion of the meeting, the time had not arrived when the persons and properties of British subjects residing in Japan could with safety be placed unconditionally under the jurisdiction of Japanese tribunals, HER MAJESTY'S Secretary of State might have accepted it as a reasonable and proper protest, and could have promised to give it favourable consideration. It is true that the resolution would have been superfluous, Lord SALISBURY'S opinion and indeed the opinion of everyone engaged in the negotiations, being already emphatic as to the prematureness of unconditionally abolishing consular jurisdiction. Still the resolution in that form would have been a moderate plea for due caution, and would have strengthened the hands of the Secretary of State for Foreign Affairs without embarrassing him. But the resolution did not stop there. It went incomparably farther. Instead of pleading for the exaction of satisfactory guarantees, which was all that the meeting was summoned to do, it declared that "the time had not yet come when an estimate could be formed of the period within which the unconditional relinquishment of extraterritorial jurisdiction could be safely promised." Now a promise to abolish consular jurisdiction completely and unconditionally after a fixed term of years, has constituted the basis of every scheme of treaty revision hitherto advanced, and must constitute the basis of every scheme hereafter advanced. By that object and by that object alone the Japanese Government is actuated in seeking to revise the treaties. That object and that object alone has been openly recognised as the ultimate aim of the negotiations in which all the great Powers have been engaged for the past ten years. Thus the announcement made to Lord SALISBURY by the meeting of the 11th instant is simply this:—"Western States have for ten years been carrying on negotiations with Japan for a purpose which we, HER MAJESTY'S subjects in Yokohama, now declare to be untenable and dangerous. Western States, in each of the three series of negotiations hitherto conducted, have announced their readiness to promise that after a fixed term of years Japan's judicial autonomy shall be unconditionally restored: their only difficulty has been to agree about the nature of the guarantees which Japan shall pledge herself to put into operation during a part or the whole of that term of years. But we now declare that no such promise can yet be safely made, and consequently that all negotiations on the subject of Treaty Revision must be postponed *sine die*." Is it in the smallest degree probable that Occidental Governments will accept this dictum? Are they at all likely to turn round at this eleventh hour and say to Japan:—"The engagement which through so many years has formed the basis of all our negotiattons with you; the engagement, namely, that we are willing to set a fixed limit of time to the further existence of Consular Jurisdiction within your territories—from that engagement we now withdraw, being informed by some three hundred of our subjects and citizens in Yokohama as well as by certain Chinese folks also resident there, that we have been acting prematurely and rashly, and that the time has not come when any engagement of the kind can be safely entered into. The Cabinets in London, in Washington, in Berlin, in Paris, in Rome, in St. Petersburg, and in Vienna, will not dream of performing this undignified pirouette at the suggestion of a meeting of Yokohama residents. On the contrary, they will want to know why the Yokohama residents did not make this radical discovery long ago. Nobody is deceived by the shallow pretext with which the proposer of the resolution tried to reconcile the inconsistencies of his own conduct, and to hide from his audience the extravagance of the resolution itself. Both the Treaty of 1887 and the Treaty

of 1889 distinctly fixed a term of years at the end of which Consular Jurisdiction should be unconditionally abolished, yet the foreign residents made no attempt to object or protest. What, it will be naturally asked, what has led to the sudden and complete change of opinion in Yokohama? If any importance is to be attached to the resolution adopted by the meeting, Western Governments will at once ask what reasons now persuade the people of Yokohama that the basis upon which negotiations for treaty revision have been conducted with their tacit acquiescence for the past ten years, is to-day unsafe and premature. Reasons, however, are precisely what the people of Yokohama do not give. They appear to think that a simple announcement of their opinion is sufficient. Only one of the speakers at the meeting on the 11th ventured into the dangerous realm of argument, and what arguments his were to be sure! There was no *habeas corpus* in Japan! There was no trial by jury in Japan! It was not certain whether a man's house is his castle in Japan! Truly when one reads such silliness one is disposed to conclude that the meeting of the 11th barely escaped being converted into one of those farces for the performance of which its place of session is usually reserved. If this reasoning is to be laid before the Marquis of SALISBURY, his Lordship will form a very flattering estimate of the motives of Yokohama's action.

If we have said also that the principles of sound statesmanship are opposed to Great Britain's endorsement of the position taken by the meeting of the 11th instant, it is became we believe it to be now too late for Foreign Powers to recede. They cannot, with any show of reason, impose upon the Japanese Government the impossible task of restraining the sentiments of its nationals within amicable limits, in the face of such a declaration of Western unfriendliness. The history of the past is open and legible to all. Just as in mediæval times the overbearing and arbitrary conduct of foreigners themselves brought about the substitution of dread and dislike for the confidence and hospitality with which they were orginally received in Japan, so in these modern days the position of superiority openly assumed by the foreign residents, their rough and rude criticisms of the country and people, above all the haughty isolation which they persist in maintaining, and their refusal to recognise the empire's claims to civilized treatment, are gradually and surely sapping Japanese regard, and, if suffered to remain unchanged, must inevitably bring about a state of affairs fraught with the gravest international danger. To step back now, in obedience to an unexplained and suddenly adopted resolution of certain residents of Yokohama; to step back and inform Japan that she must be content to revert to the position which she occupied a dozen years ago; to tell her that the time has not come when even an estimate can be formed of the period after which her international ostracism may be brought to an end—to do this would certainly create such a feeling of bitter indignation throughout the whole country that no Administration could be answerable for the consequences. Lord SALISBURY is far too shrewd a statesman to invite such a crisis. He will see quite clearly that if Yokohama's lead is to be followed, Great Britain must fall back upon the *régime* of force, which happily she has been enabled to abandon for ever in her dealings with Japan.

MOVEMENTS ABOUT THE REVISION MEETING.

THE *Choya Shimbun* has the following:—"Great indignation has been caused among thoughtful persons in Tokyo by the meeting held by British subjects opposed to treaty revision. Messrs. Nagao Kageshige and Kobayashi Sentaro, holding that the action of the foreign merchants of Yokohama in opposing treaty revision is an outrage to Japan's national dignity, have sent to the Japanese traders of Yokohama a very strong letter urging them, if they desire to show their patriotism, to adopt the same plan as that pursued on the occasion of the silk dispute, namely, to form a combination among themselves and put a stop to all transactions with men who engage in attempts to injure Japan. If this plan be adopted, the writers think that the association of foreigners will soon be dissolved. Other persons in Tokyo have organized an association called the *Kinkisha*—brocade club, in allusion to the flag of Japan—three members of which, Messrs. Soji Tokusaburo, Inui Rokuro, and Kaneko Ryoichi, are to proceed to Yokohama and interview the leaders of the movement on the British side, at the same time organizing a large lecture meeting with the object of commercially ostracizing Englishmen."

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The *Shogyo Shimpo* says:—"In consequence of the decision to put an end to treaty revision, of which movement English residents of Yokohama were the promoters, two gentlemen of Yokohama, Messrs. Sakai and Yenomoto, organized a movement to open communications with foreigners on the subject. Fortunately at the Kodo Club in the same place a meeting of committee-men was opened on the 13th instant, and these, being of the same way of thinking as Messrs. Sakai and Yenomoto, decided to choose representatives and approach the foreign committee. Steps are now being actively taken to arrange preliminaries.

A JAPANESE STATESMAN'S OPINION.

THE *Hochi Shimbun* publishes an opinion which it says has been expressed by a certain Count, well versed in foreign affairs. "The duty of Ministers," said the Count, "is to promote good relations between their nationals and the people of the country to which they are accredited. Unless grave questions of right and wrong are at stake, they will do nothing to disturb those relations. In the present case, recognising the shallowness of a movement the chief promoters of which are one or two gentlemen, discontented because they have lost their positions in the service of the Japanese Government, the Foreign Ministers will pay little attention to it. Moreover, many of those who took part in the demonstration merely obeyed the dictates of fellowship or attended the meeting out of curiosity. If the Japanese merchants of Yokohama show a little strength of back and resolve to have no more dealings with men who, while residing in Japan, behave as the promoters of this recent movement have behaved, the break up of the foreign combination will soon be witnessed."

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We make no comments on these various items of intelligence from the vernacular press, but merely publish them for the information of our readers.

AN INTERESTING DISAVOWAL.

THE *Shogyo Shimpo*, the principal commercial journal published in Japan, contains a significant paragraph in its issue of the 11th instant. We translate it as follows:—"Mr. R. Masujima, acting on behalf of Messrs. J. P. Mollison and W. B. Walter, has addressed to us the following correction:—'Among the miscellaneous items in your issue of the 10th instant, there appears a statement that British subjects resident in Yokohama are to hold a meeting with reference to treaty revision on the 11th instant, and that Mr. J. P. Mollison of No. 48, Yokohama, and Mr. W. B. Walter, of Messrs. Jardine Matheson & Company, No. 1, Yokohama, are among the promoters of the meeting. This statement is groundless. The above two gentlemen have no connection whatever with the affair, and I have to request that you will lose no time in making a correction to that effect.'" It will be discovered, by and by, that the much vaunted unanimity of the Yokohama community on this subject is not so complete as some people assert.

A LETTER ABOUT THE REVISION MEETING.

THE *Hochi Shimbun* publishes a letter from a member of the Tokyo Exchange, whose name is not given. The letter runs thus:—"It is very much to be regretted that the Englishmen in Yokohama have assumed an attitude of opposition to treaty revision, and are endeavouring to place impediments in the path. I am resolved to have no more dealings with such persons. I understand, however, that some Englishmen are in favour of treaty revision. May I beg of you, Mr. Editor, to clearly distinguish for our information in your columns what foreigners of Yokohama are opposed to treaty revision and what foreigners are in favour of it. It will then be possible to cease dealing with the former and limit our transactions to the latter. In this way a combination may be effected, the Chamber of Commerce of course joining and also the foreign merchants themselves who are in favour of revision. Pray take what steps you can to assist this consummation."

CORRESPONDENCE.

MR. LOWDER AND TREATY REVISION.

TO THE EDITOR OF THE "JAPAN MAIL."

SIR,—I am pleased to learn from your editorial note to my letter of the 14th instant that I am mistaken in thinking it gives you satisfaction to misrepresent me. Then for whose satisfaction do you do so?

You say that in 1887 a finite term of years was fixed, at the expiration of which Japan should recover full and unconditional jurisdiction over foreigners within her territories; and that therefore I am inconsistent in now supporting a resolution declaring that "the time has not arrived when an estimate can be formed of the period within which the unconditional relinquishment of extraterritorial jurisdiction in Japan can be safely promised," seeing that "a distinct promise of that nature was included in the terms of the Treaty of 1887."

This is no answer to the very simple question I propounded, but a mere evasion of it. It seems necessary to remind you that the promise given in 1887 that extra-territorial jurisdiction should be unconditionally abolished at the end of fifteen years, was itself conditional upon the undertaking that during the whole of that period the efficiency of the Japanese Bench should be guaranteed by the addition thereto of a large number of foreign judges, whose educational influence was of course a main object of the proviso. It is the absence of this condition which constitutes the difference between the proposals of 1887 and 1890, and which justifies the terms of the resolution you affect to misunderstand.

Yours faithfully, J. F. LOWDER.

Yokohama, September 15th, 1890.

[Nothing that Mr. Lowder writes now can change the language of the resolution proposed by him at the meeting on the 11th instant. The resolution said:—"In the opinion of this meeting the time has not arrived when an estimate can be formed of the period within which the unconditional relinquishment of extraterritorial jurisdiction in Japan can be safely promised." This statement is perfectly explicit. What Mr. Lowder may have desired it to mean we do not pretend to know. What it does actually mean neither we nor any one else can doubt. If the resolution was intended to convey the signification now attached to it by Mr. Lowder, it should have been worded thus:—"In the opinion of this meeting the time has not arrived when an estimate can be formed of the period within which the relinquishment of extraterritorial jurisdiction in Japan can be *unconditionally promised* with safety." We observe with some surprise that Mr. Lowder is ignorant of, or at any rate that he greatly mis-states, the terms of the Treaty of 1887. But that is a question apart. Should he have occasion to address another communication to this journal, it will be rejected unless he observes the ordinary forms of courtesy more strictly than he has done hitherto in this correspondence.—ED. *J. M.*]

Act'g Sec'y McCook

DEPARTMENT OF STATE
OCT 16 1890
RECEIVED.

DIPLOMATIC BUREAU.
DEC 17 1890

No. 155.

Legation of the United States,
Tokio, Japan, Sept. 24, 1890.

Jan 26 doc

Mr. Dwight
To the Secretary of State.

Subject:
England about to sign a treaty.

Synopsis

Counts Inoue and Ito under Imperial Appointment to assist in negotiating treaties. — European nations will all follow England's lead.

No. 552.

Legation of the United States.
Tokio, Japan, Sept. 24, 1890

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that I have just obtained information, which I consider reliable, to the effect that negotiations are about to be entered upon, if they are not already in actual progress, between the British Minister at Tokio, with instructions and full powers from his Government, and the Government of Japan for a revision of existing treaties. It is published as a fact

In

in the Japanese newspapers that Count Saigo, Minister of Home Affairs, and Count Goto, Minister of Communications, have been associated with His Excellency Viscount Aoki in all matters touching treaty revision. It may be considered as reasonably certain that this statement is true, and that both of the distinguished statesmen above named will participate as Plenipotentiaries in the negotiation with Great Britain and with the other powers should such negotiations be had.

It is understood that the work is to be pressed forward so as, if possible, to reach a result prior to the meeting of the

the Diet on the 3rd of November.
This is all that I can state with reasonable positiveness.

Of course, it may be taken for granted that the negotiations will be based upon the treaties partially concluded last year with the United States, Germany and Russia, as modified by the Memorandum communicated to the Powers by Viscount Aoki dated February 8th., 1890; and Lord Salisbury's project of May 14th., 1890.

It is probable that these facts, coming to the knowledge of certain leading British residents of Yokohama gave rise to the meeting of the 11th. instant, the particulars

of

of which I forward to you by the mail which takes this despatch.

The Yokohama meeting, as I have already informed you in a separate despatch commenting upon the same, seems to have materially added to the probability of an early agreement between the negotiating powers. As I informed you in that despatch, it seems to have united the Japanese in support of the Government project, which was not the case before. But for this startling consolidation of public opinion there is considerable doubt whether the provisions of Section 2 of Lord Salisbury's protocol would have been acquiesced

acquiesced in by the general public of Japan. And for it to be forced ~~through~~ against the popular will might bring the possibility of such a result and ending as that which overtook the treaty measures of last year.

The clause to which I refer provides for the opening of Japan, unconditionally, to British subjects with the same privileges as to residence, traveling and the possession of real estate with natives of the country. It is true that there is an apparent conflict between Viscount Aoki's Memorandum and the proposal of Lord Salisbury upon that very point, as well as some disagreement growing out of the possibilities that

may

may be concealed in the vagueness and uncertainty of the 4th. Proposal of the Memorandum. Yet, as matters are now moving, it is easy to perceive that only very slight concessions on each side will be required to close up the gap between the parties and bring them to an agreement. If such be the state of things at Tokio, it only remains to see what effect, if any, will be produced in Downing Street by the proceedings at the Yokohama anti-revision meeting of the 11th. instant.

If I should hazard a guess that the meeting, whatever might have been its effect, had it taken place a year ago, comes too late at this

this time to exercise any appre=
ciable influence on the British
Government or to materially
modify its plans.

The negotiations will go on to
a conclusion unless checked at the
end by another reactionary move=
ment in Japan which, from
present appearances, does not
seem likely to occur.

Giving my own opinion
and with no knowledge of facts
except what I have communicated
to you, I shall not be surprised
to find that at a comparatively
early day, possibly by the time
this despatch reaches you, a
treaty practically on the line of
present proposals will have been

concluded

concluded between Great Britain and Japan. If this occurs, Germany, Russia, France and, in fact, all the European Powers will at once fall into line and follow Great Britain. In making this latter prediction I run no sort of risk, for there does not seem to be the least doubt in the question in any quarter.

I have the honor to be,
Sir,
Your obedient servant,
Conan Doyle

No. 156.

DEPARTMENT OF STATE
OCT 30 1890
RECEIVED.

DIR... BUREAU.
NOV 3 1890

To Mr Wendell Nov 3

ASSISTANT SECRETARY.
Statement of Miles
to Mr. Ten Eyck Wendell
Broad St. N.Y. See his
NOV 1 1890
letter of July 21. 1890

3 nov
4 nov

Mr. Swift to Mr. Wendell Letter to Mr. Swift re his information - aaa

Legation of the United States,
Tokio, Japan, Oct. 1st, 1890.

Mr. Swift
To the Secretary of State.

Subject:

Complaint of Messrs Stumpenant and Wendell.

Synopsis:

Further correspondence with results contradictory to the statements of complainants.

No. 156.

Legation of the United States,
Tokio, Japan, Oct. 10th, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D. C.

Sir:

Upon instruction No. 92, signed by Hon. W. F. Wharton, Acting Secretary, regarding the complaints of Messrs. Thurnwart and Wendell, of New York, in the matter of delayed ~~traveling~~ passports, and enclosing a copy of a letter from Mr. Wendell to the Hon. A. A. Adee, Assistant Secretary of State, supplying the names of the ~~assumed~~ English ~~traveling~~ companions, ~~at~~ = tained by the last mail from America

I have

From the terms of the instruc-
tion I infer that the above
matter has already been suffic-
iently explained to the Department
of State. But, in order to remove
any question, I have again com-
municated with Mr. Smithers, H. B.
Consul at Kobe and requested him
to enquire and inform me as to the
date of the delivery of passports
by the British Consul, at Kobe,
to the alleged travelling companions
of Messrs Sturgeon and Wendell.

It will be remembered that the
two American gentlemen last named
informed the Department of State, in
substance, that on the 30th. of
March they telegraphed from Naga-
saki to this Legation, requesting
that passports be obtained and
forwarded

forwarded to them in care of the U. S. Consul at Kobe. That they arrived at Kobe on the 2nd. of April; but that, owing to the "provincial negligence of this Le= "gation," Specially referring to the Minister, the passports had not been received and that, to add to their annoyance, they were mortified by the circumstance that their English travelling com= panions, who prove to have been Sir John Sterling Maxwell and the Honorable Gilbert Willoughby had, on the arrival of the party at Kobe and under identical circumstances, found their pass= ports arrived and waiting for them at the British Consulate.

The reply of Mr. Smithers, showing

Lieut

Lowe and wife Messrs Max-
well and Willoughby did actually
obtain their passports, having
been received. I now have the
honor to enclose a copy for
your information. From this
letter you will learn that the
English traveling companions of
Messrs Sturgeon and Wendell
did not telegraph from Nagasaki
for passports; as we were given to
understand they did, but had taken
the precaution to write ahead from
Hongkong, by a previous steamer,
direct to the British Consul at
Kobe, Mr. Longford, asking him
to procure passports for them.
This letter was forwarded in the
latter part of March. Mr
Longford sent the application to

the

the British Legation at Tokio from Kobe, on the 25th of March. The passports were issued by the Foreign Office at Tokio on the 27th of the same month and were probably mailed from the Legation to the Consulate on the 28th. At any rate they were at the Consulate, ready for delivery, as they well might have been, having five full days in which to make the trip, when the English gentlemen and their American travelling companions arrived at that place on the 2nd. of April.

I also addressed a note to the British First Secretary of Legation at Tokio, the Master of Napier, requesting him to inform me as to what passports had been obtained and sent to Messrs. Maxwell

and

– and Willoughby during the re=
cent visit of these gentlemen to Japan.

It does not seem to be out of
place to mention that the visit of
the distinguished Englishmen above
named was a well known event
in this country at the time and
not likely to be overlooked or for=
gotten; though the fact that
Messrs Thompson and Wendell were
travelling with them, as companions,
was not known, at least at this
Legation, till the receipt of the
copy of Mr. Wendell's letter to
Mr. Adee. The answer of the
Master of Napier a copy of which
is enclosed, contained an authenti=
cated transcript of the passport
record of the British Legation,
giving with the utmost accuracy

the

the desired information. A copy of this transcript is herewith enclosed. From this last named paper you will perceive that there were, in all, three passports issued to Messrs Maxwell and Willoughby from the Foreign Office, during their visit, namely, one on March 27th., another on April 5th. and the last on April 26th. It is apparent that the first passport issued, namely, that of the 27th of March, and which was the one that awaited the English gentlemen at Kobe on their arrival, was, for some reason which we can only conjecture, unsatisfactory and was not availed of or utilized, as the record shows it to have been returned to Tokio and there cancelled and a new

3/

one

are issued on the 5th. of April upon which it is evident they travelled to Yokohama where that was surrendered and that of the 26th. taken out for their final trip in the country. It seems probable that like most strangers coming to Japan, when they wrote their letter from Hongkong to Mr. Longford, they were acting under the erroneous impression that passports permit of travel throughout the country generally, when in fact they provide only for specially fixed and carefully designated trips to be either completed or abandoned and the passport returned before a new trip is layed out and a passport is issued therefor. It seems they had simply written for

passports

passports to be obtained, throwing upon the Consul the duty of querying as the route that, after arriving in the country, they would be likely to follow. And that when obtained they were found to be not available as not providing for a satisfactory route. In order to obtain other passports, under the rules these had to be sent back to Tokio. This seems to have been done at once on their arrival at Kobe since, otherwise, those of the 5th. could not have been issued; and that in the meantime the English gentlemen did precisely what their American companions, Messrs Plunkett and Wendell, did, namely, applied through their Consul to the local

authorities

authorities for local or short journey passports to enable them to proceed to Kyoto. That they went thither and there waited for their new passports of the 5th. at "Hamia's" Hotel, to which place the record shows the documents to have been sent.

It thus turns out that even by writing from Hongkong by an advance steamer, Messrs Maxwell and Willoughby, after all, did not find themselves in any better, if in fact they were in as good, case as their American companions, who, as we already know, received their Foreign Office passports providing a satisfactory route of travel, at Kyoto on the 6th. of April, while the Englishmen probably did not get their

record

second visa and, seemingly, the first available for the trip they desired to make, before the 9th of the same month.

After looking over the whole case, it is difficult to understand how, under the circumstances, Messrs Thurgood and Wendell could have been led to believe that their English companions were obtaining travelling passports with greater facility than they were getting theirs through the American Legation. The eminent character of Sir John Stirling Maxwell Bart. would at once negative the idea that he had made a willful misrepresentation of the facts concerning his passport. The same must be assumed to be true with respect

to

~~to the~~ Honorable Gilbert Willoughby. Nor can any motive for concealment be imagined, unless, indeed, the English gentlemen were growing tired of the monotonous pleasure obtained by association with their American friends and were willing ~~to~~ separate from them.

When it is remembered how intimate congenial fellow travellers are apt to become, often confiding to each other the most delicate personal secrets, it seems not a little strange that three eminent Englishmen should have concealed the true date of their passports as well as the fact that they had not telegraphed from Nagasaki but had sent a letter from Hongkong, when a knowledge

knowledge of these circumstances was so important to the comfort of their American friends, if not essential to the continuance of the party together as traveling companions. This curious omission gives rise to the thought that they were not traveling companions at all but merely passengers on the same vessel from Hongkong to Yokohama.

Of course it is hard to suppose that any American gentleman would be so anxious for the honor of traveling with a party of eminent Englishmen as to claim companionship with them based solely on the fact that they happened to make a voyage on the same ship. Yet, in this

Case

dare they have certainly subjected themselves to this suspicion; es=
pecially as there is good reason for thinking that the Americans and Englishmen did not travel in company after the sea voyage was completed. Had they been real traveling companions, it is natural to think that when the American gentlemen confided, as they must have done, to their English associates their sense of extreme mortification at discov=
ering this fresh instance of the inefficiency of U. S. Diplomatic and Consular Officials as compared with British, rendered particularly exasperating in the present instance, as one of the gentlemen has expressed it in his

Complaint

complaint to the Department of State, "in view of all the promises made in the last campaign;" that the English members of the party would have explained to their exasperated American companions precisely how their passports were obtained, would have mentioned the letter from Hongkong and given them other useful information concerning passports which would have been valuable to their American friends.

I have the honor to be,
Sir,
Your obedient servant,
John F. Swift

Enclosures:

Enclosures:

1. E. J. Smith to Mr. Quick, Sept. 6. 1890.
2. Master of Keeper to Mr. Quick, Sept. 22.
3. Same to same enclosing Transcript of record, Sept. 22.

Enclosure 1 with Mr. Swift's No. 156.

(Copy)

U. S. CONSULATE,

Osaka & Hiogo, Japan,

Hiogo, September 6, 1890.

Sir:-

I have the honor to acknowledge the receipt of your despatch No. 96 of the 3rd instant, referring to your communication No. 63 of the 11th of June, concerning certain charges made by Messers Stuyvesant and Wendell of New York to the Department of State against the Legation and this Consulate.

In accordance with your suggestion, I applied in a friendlyway to Mr. Longford, British Acting Consul at this port, for information as to the time Messers Willoughby and Maxwell obtained passports at his office, together with any information in his possession appertaining to the application for said passports. Mr. Longford, without hesitation, replied that Mr. Willoughby for himself and Sir John Maxwell applied to him for passports by letter from Hongkong during the latter part of March, and that, as the records of his office shows, he forwarded their applications on the 25th day of March to the British Legation; that the passports were received by him in due time and handed to Mr. Willoughby either on the 1st or 2nd of April. Mr. Longford further stated that the passport could not have been received by him if

applied

applied for at Nagasaki by telegraph on March 31st under four days and, when a Sunday intervenes, as in some instances, not under five days.

I have to state that any charge Messers Stuyvesant and Wendell may have made to the Department against myself or any of the officers of this Consulate for neglect or inattention to duty in the matter of their passports is equally as unfounded in fact as the assertion that their travelling companions obtained their passports in three days by telegraphing from Nagasaki.

I have the honor to be,

Your obedient servant

E. J. SMITHERS,

U.S.Consul.

His Excellency John F. Swift,

E.E.& M.P. of the U.S.of America,

Tokio.

Enclosure 2 with Mr. Swift's No. 156.

(Copy)

BRITISH LEGATION.

Tokio.

22.9.90.

My dear Mr. Swift,

I have received your kind note asking for information respecting the Passports issued by the F. O. here and this Legation to Sir John Stirling Maxwell Bart. and The Hon'ble Gilbert Willoughby, and I have lost no time in directing Inspector Peacock, who keeps the Register of all Passports issued by this Legation, to make a careful search into the matter.

As far as I can see from the Register the young gentlemen received more than one Passport each during their stay in this country, and the first one appearing in the Register was sent to Kobe, <u>not Nagasaki</u>. It is possible however that they may have telegraphed from HongKong for Passports to be sent to await them at Nagasaki, but of this I have no distinct recollection.

Yours sincerely,

W. A. G. Napier.

Enclosure 3 with Mr. Swift's No. 156.

(Copy)

BRITISH LEGATION,

Tokyo,

Sept. 22, 1890.

My dear Mr. Swift,

With reference to my note to you of to-days date respecting the passports issued to my friends Maxwell & Willoughby, I beg to enclose herewith for your information, on the subject, an extract from the entries in our Passport Register furnished to me by Inspector Peacock at my request.

Yours sincerely,

William J. G. Napier.

(Copy)

The Master of Napier,

etc., etc., etc.

Sir,

I beg to state that I have examined the Legation Passport Register and find that H. M's Minister applied to the Japanese authorities for passports for

"Sir John Stirling Maxwell and

the Hon'ble G. W. S. Willoughby"

on the following dates only:

Date of application to and issue by F.O. authorities.	Date of return to F.O.	At Legation: Application to Minister from	Passports sent to
1890, March 27	April 5	H.M's Consul Kobe	Kobe
April 5	" 26	"	c/o Yaami, Kioto.
" 26	Not yet returned	H.M's Consul Yokohama	Yokohama.

Pet Peacock.

H. M's Legation, Tokio.

Sept. 22, 1890.

Mr Taylor's Mr. Roosevelt's

DIPLOMAT

OCT 30 1890

DEPARTMENT OF STATE
OCT 30 1890
RECEIVED.

Legation of the United States,
Tokio, Japan, October 4, 1890.

Mr. Gardiner
To the Secretary of State.

Subject:
Salary and Exchange Accounts.

Legation of the United States.
Tokio, Japan, October 4, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose you herewith statements of my Accounts for Salary and Loss by Exchange for the Quarter ended September 30th. 1890. My draft on Messrs Morton Rose & Co., for salary, dated August 30th. was so dated because of the 31st. falling on Sunday.

I have the honor to be,
Sir,
Your obedient servant,
W. R. Grandissen Jr.
Second Secretary of Legation.

Enclosures:

Enclosures:

Statements of Accounts as above.

Mr Taylor + Mr Uhl

Mr Blaine

DEPARTMENT OF STATE
OCT 30 1890
RECEIVED.

DIV. OF ...

OCT 30 1890

United States Legation

Tokyo, Japan Oct. 4th 1890

W. N. Whitney, Interpreter of Legation.

to the

Secretary of State

Subject.

Transmitting Statement of account for Loss by Exchange for the Quarter Ended September 30th, 1890.

United States Legation

Tokyo Japan, October 4th 1890.

Hon. Jas. G. Blaine,

Secretary of State

Washington

Sir:

Herewith I have the honor to enclose my Statement of Account for loss by Exchange on Salary drafts for the quarter ended September 30th last.

I have the honor to be,

Sir,

Your Obedient Servant

Willis Norton Whitney

Interpreter of Legation.

Enclosure as above.

Mr Taylor
Mr Kirchhoffer

DEPARTMENT OF STATE
OCT 30 1890
RECEIVED.

DIPLOMATIC BUREAU.
OCT 30 1890

United States Legation
Tōkyō Japan, Oct. 4th 1890.

W. N. Whitney Interpreter of Legation
to the
Secretary of State

Subject-
Transmitting Statement of Salary account
for the quarter ended September 30th 1890.

United States Legation
Tokyō Japan, Oct. 4th 1890.

Hon. Jas. G. Blaine
Secretary of State
Washington.

Sir:

Herewith I have the honor to enclose my statement of account for Salary for the quarter ended September 30th last.

I have the honor, to be
Sir,
Your obedient Servant
Willis Norton Whitney
Interpreter of Legation

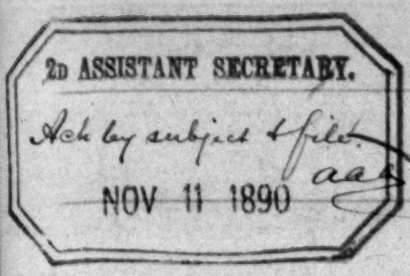
Enclosure as above.

Instructions.

DIPLOMATIC BUREAU.

NOV 11 1890

No. 157.



Legation of the United States.
Tokio, Japan, October 6, 1890.

ans 12 nov

Mr. Pruyn
To the Secretary of State.

Subject:
Effect of Yokohama Meeting of Foreigners.

Synopsis:
Ill-feeling still pervades the community — Meeting at Kobe called and averted — Resolutions quietly signed at Kobe. — Time is probably close when Japan will assume jurisdictional autonomy at all hazards.

No. 157.

Legation of the United States,
Tokio, Japan, October 6, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

The ill-feeling stirred up amongst the Japanese people by the meeting of foreign residents held at Yokohama on the 11th. ult.mo. still disturbs affairs and keeps foreign society, to some extent, in a state of anxiety.

Since my last despatch on the subject, the discussion pro and con has been kept up between the various English newspapers with a good deal of harshness and rancor,

while

while the newspaper boys continue to publish articles concerning the meeting, some temperate and conservative in tone, others denouncing the affair as well as foreigners in general, with considerable severity.

I have not considered it necessary to burden you with excerpts on this subject but refer you to the clippings forwarded by the last mail as fairly representing the general character and line of the discussion. In the mean time, the authorities have not been idle. The police force at Yokohama has been increased. The Chairman and principal movers and speakers at the meeting have been placed under special police protection.

Jm.

In short, the Imperial Government, with its customary prudence and good faith, has taken prompt and energetic measures to prevent any disturbance of the peace and it is not at all likely, from present appearances, that anything will occur to the special injury of the foreign gentlemen who promoted or participated in the proceedings.

It is always to be borne in mind, when considering Japanese politics, that the great mass of the people are singularly amiable, gentle, obedient and specially submissive to authority. It follows that those general outbreaks of passion and acts of mob violence, so common in many parts of the world, are scarcely

to be reckoned as possibilities in Japan. The danger of physical injury to foreigners — and, indeed, to leading Japanese as well, if there is such danger, comes from the sudden and unexpected fury of individual fanatics acting either singly or, at most, in small groups, a danger to some extent peculiar to these people almost impossible to guard against and which no law, ordinance or police regulation can prevent or even materially diminish.

As I have mentioned in former despatches, there is a class of young men, often students or ex-students, called "soshi", who are the recognized terror of the authorities and of all public leaders and politicians of

mate

note, rendering prominence in office or position less desirable than it otherwise might be. Leading foreigners, like others in prominent places, are apt to attract the attention of this gentry and to be known to them is not, in general, considered desirable. And again, foreigners as a class, if not themselves politicians, are, under existing conditions, the subject of constant, heated political contention and, consequently, the central object of agitation and thereby are likely to become at any moment of special interest to the "sorbi".

The holding of a public meeting by foreigners to express their views on treaty revision, as was done at

Ignorehama

Yokohama, is now recognized by most people, not directly concerned in the affair, and probably even by those who participated, to have been a mistake for the reason that in the existing condition of political excitement in which treaty revision is made of such importance, it might and ought to have been foreseen that the proceedings would produce an outburst of anger amongst the Japanese precisely as it has occurred.

Directly after the Yokohama meeting a similar one was called at Kobe, but before it was actually held the call was prudently withdrawn or suppressed and private proceedings of a like nature and having the same object in view were taken instead

instead. Resolutions similar in character to those adopted in Yoko-hama were privately circulated amongst the foreign residents of Kobe for signatures. It is understood that the principal merchants and residents, with some few exceptions, have signed the resolutions and that in due time they are to be forwarded to the Diplomatic Representatives of the various Powers at Tokio. When they reach me, I shall promptly forward them to the Department of State, for your consideration.

There was held a few days ago of a meeting of the foreign missionaries and teachers to be held in the foreign concession in this Capital for the purpose of

giving

giving expression to views con-
trary to those of the merchant
class as adopted at Yokohama
and Kobe. It has not been done,
however, and the project, if it
existed, has probably been abandoned.
What the teachers and missionaries
may think of the matter, I am
unable to say with certainty or
precision; but I doubt their agree-
ing entirely with the views expressed
by the merchants and business
men at the Yokohama meeting.
While they may not be, as a class,
strongly in favor of the abolition
of consular jurisdiction, I believe
them to be generally prepared to
accept it whenever it comes and,
indeed, that many desire it now

if

if it is to be accompanied by the privileges of unlimited travel and missionary work.

In sending you the opinions of foreign residents in Japan, of all classes and callings, for or against the abandonment of consular jurisdiction, I need hardly say they are forwarded merely as the views and wishes of a very respectable and intelligent body of gentlemen deeply interested in the subject, of long experience in the country, rendering such opinions worthy of serious and weighty consideration; but not in any sense as being conclusive of the question. On the contrary, over and beyond what any or all of the foreign residents

of the country may think nec-
essary, or even demand as essential
to the preservation of their interests,
there is always the Japanese nation
with its susceptibilities and aspi-
rations, to say nothing of its
absolute rights, calling for our
consideration. Besides which,
there are the people of the United
States who are not to be inconven-
ienced nor their general interests
jeopardized in favor of the special
ones of their countrymen in Japan
without good and satisfactory
reasons & if the time has come,
a fact the United States Government
must determine for itself, that
Japan has resolved at all hazards
to recover her jurisdictional
autonomy

autonomy, then under what is probably the existing state of the world's opinion of the subject to say nothing of the very right of the matter, it is possible you may reach the conclusion that there is nothing to do but to allow her to have her way and take jurisdiction of American citizens settled in the country. If, for the purpose of maintaining consular jurisdiction, no Power is prepared to resort to the ultima ratio regum, then it may well be that the part of wisdom is to give it up; and, if so, then unquestionably the more cheerfully and gracefully it is done the better.

There is considerable reason for thinking that if the time has not actually

actually arrived that Japan has resolved at all hazards to assume jurisdiction over foreigners, it is certainly very close at hand.

This is apparent to the most casual observer. Without ex-pressing any opinion whatever and with the intention, as far as possible to avoid forming one, I shall consider it my duty to continue to give you, to the best of my ability, all information within my reach tending to throw light upon the subject and to enable you, at the proper time, to reach a wise and just conclusion; and, under your instructions when received, to assist in carrying it out.

I have the honor to be,
Sir,
Your obedient servant,
John F. Terrill

Mr. Taylor

File

DIPLOMATIC BUREAU
OCT 31 1890

DEPARTMENT OF STATE
OCT 30 1890
RECEIVED.

No. 158.

2d ASSISTANT SECRETARY.
Ack. by Number and File.
OCT 31 1890
aab

Legation of the United States,
Tokio, Japan, October 6, 1890.

Mr. Dwight
To the Secretary of State.

Subject:
Japanese Press Laws.

Synopsis:

Clippings from English papers commenting upon a recent instance of their enforcement.

No. 158.

Legation of the United States,
Tokio, Japan, October 6, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

In several former despatches, & especially my No. 152 of September 16, 1890, I have had the honor to call your attention to the existing laws of Japan governing the press.

I inclose you herewith, for your information, articles clipped from the English newspapers, the Herald, Gazette and Mail, commenting upon the press laws as enforced by the Courts

Courts in a recent instance.

I have the honor to be,
Sir,
Your obedient servant,
John T. Swift

Enclosures:

1. Clipping. Japan Herald, Oct. 4, 1890.
2. " Japan Gazette, " " "
3. " Japan Mail, " " "

Enclosure 1. Mr. Dwight's No. 158.

The Japan Daily Herald.

SATURDAY, 4TH OCTOBER, 1890.

Law versus Liberty.

THE freedom of the press, or rather its almost entire absence in this country, is sufficiently demonstrated by the preposterous prosecutions which have just been successfully instituted by the Government against we know not how many of the native newspapers,—some fifty, or upwards, we believe,—for publishing a moderately worded memorial addressed to the Cabinet, mildly criticising a clause in the Constitution. Whether the Kansei requisitionists were right or wrong in their contention, is of little consequence, but to treat the publication of the document as a political crime, and to punish the unfortunate pressmen who did so, proves, if proof were wanting, that notwithstanding the granting of a new Constitution conferring upon a portion of the people rights superior to what they before were in possession of, the authorities incline unmistakably towards despotism, quite as much as before.

The law under which recent action has been taken, is bad *ab initio*, because it makes legal those coercive regulations which have been framed under its provisions, that are at all times held *in terrorem* over the editors, printers, and publishers of Japanese newspapers, and by means of which they are prevented, except at the risk of being subjected to severe pains and penalties, from freely discussing public affairs, save only within the extremely narrow compass which the Government chooses to permit without exercising its interference. The press, therefore, is in a state of bondage, as lowering to its status, as it is impairing to its usefulness.

The conditions under which the newspapers of any land have to perform their legitimate functions, are a true gauge of the amount of liberty which the inhabitants of a country really enjoy. The freedom of the press, and the freedom of the subject go hand-in-hand together—they are literally one and indivisible. The criminal code in force here, of which we have heard the praises sung both before and since it came into operation, imposes most galling restraints upon the expression of political opinion, no matter whether spoken or printed, and the numerous prosecutions to which we have alluded, conclusively prove how little the authorities are disposed to keep in abeyance the despotic powers with which they have armed themselves, to make sure of being able to worry, or to crush outright, every newspaper, and every antagonist they may wish to hold in check, or whose power they desire to annihilate. But a bad law can be made even worse by bad administration, or by being put into operation without adequate cause to justify the invocation of its powers, or the infliction of its penalties. Certainly less harm would have been done to the Government by its treating the Kansei memorial with no more concern than it deserved, than by the notoriety which the late press prosecutions have conferred. The remedy, as in most cases of this sort, is worse than the disease. Left alone, the memorial would have sunk in most men's minds, into forgetfulness. But now the numerous prosecutions which the Government have been so ill-advised, or so impolitic as to undertake, have led to the memorial being universally read and commented on. No more effective plan could have been adopted to secure the widest possible publicity, and to evoke sympathy, than by the trial and commitment to prison of all concerned in procuring publicity for the memorial. Banned by the Government, every one's curiosity has been excited to ascertain what all the hubbub is about, and why the heavy hand of authority has been laid upon those held to have transgressed the law.

Prosecutions of the sort to which we are directing attention are a blunder; they are offensive to public liberty, and lead to results the reverse of those wished for by the authorities. For the reasons given, it must be admitted that the action of the Government has been both uncalled for and impolitic, and that the law needs amendment admits of no question. Its harshness is one of the most formidable obstacles to the acceptance by foreigners, of revision, and the Japanese Government have been strangely wanting in discernment not to have discovered this without its having to be pointed out to them by us. They may be callous or indifferent to the remonstrances of their own people, but if they desire to propitiate foreigners, and to diminish their opposition to the acceptance of their proposals, they must either consent to a clause guaranteeing the existence of the present freedom of foreigners' newspapers published in Japan, or what would be much better, so far to modify the press and public meetings' regulations as to bring them more in harmony with the accepted standards in that behalf, of free and enlightened countries.

Directing next our attention to the Courts in which these insufferably bad laws are badly administered, we need mention no other instance now, than that afforded by the Tokio Keizai Saibansho in the press prosecutions which have been just concluded. The prosecution of the newspapers for publishing the memorial to the Cabinet expressive of dissatisfaction with one clause in a very far from perfect Constitution, was conducted before judges who may mostly be suspected in political cases, as judges have been elsewhere, of being the docile instruments of power. Of course the prisoners were convicted; they were sentenced to the payment of a pecuniary mulct, with a dose of imprisonment added. In addition to this severity for the commission of a very trivial offence, if even it could be considered to be an offence, for certainly it would not be so construed elsewhere, even the type used was confiscated. Now what is the

crime of which they have been adjudged guilty? In the preamble to the Constitution the EMPEROR says that:—"When in the future it may become necessary to amend any of the provisions of the present Constitution, We or Our successors, shall assume the initiative right, and submit a project for the same to the Imperial Diet. The Imperial Diet shall pass its vote upon it, according to the conditions imposed by the present Constitution, and in no otherwise shall our descendants or our subjects be permitted to attempt any alteration thereof."

That is to say, that the throne alone shall submit projects to the Diet for the alteration of the Constitution. But in the name of common sense, in what way have the memorialists been guilty of violating the above quoted preamble? Is the Constitution supposed to be beyond the pale of criticism. The memorialists having no power beyond that, could not exert any. The offence would not be considered in any free country to be an offence at all.

Can the exhibition of malevolence against the inanimate material employed in printing the obnoxious document, be regarded otherwise than as laughable. The spiteful petulance of a child striking any object by which it has accidentally hurt itself, is not more foolish than the decision of the Tokio Keizai Saibansho to destroy or confiscate, or to prevent certain portions of the printing plant made use of in committing the offence charged, being again so employed. Anything more utterly puerile it would be difficult to imagine. Naughty, naughty type and wretched presses, why did you permit your owners, thus to misuse you!

Whilst such cases as those we have commented on occur, the Japanese cannot, or ought not, to be surprised at the reluctance of foreigners to be brought within the purview of laws so indefensible, and so objectionably and unnecessarily applied, or that they should not cease their endeavours to escape from having to trust themselves to the tender mercies of judges whose conduct is regarded with wholesome suspicion, and whose legal ability to administer Japan's, in many respects, confused and complicated codes, is open to reasonable question. That the code of criminal law, apart from the positive badness of those which have relation to the liberty of the subject, has met with acquiescence, may be admitted, for the reason, if for no other, that they are considerably more humane than what the courts formerly enforced, but that they have anything like the perfection claimed for them by their principal author, is met by the fact that it is reported that they are continually undergoing alteration, whilst the civil code which has not yet come into operation, has caused quite a ferment in legal, and more especially in business circles. How many remonstrances and petitions asking for delay in making the proposed code operative, have been addressed to the Genro-in, and direct to the Government itself, we know not, but they have been numerous.

In the face all these facts, and from several other considerations, if it would be a wonder indeed if foreigners were so demented as not to use every means in their power against being compelled to have to accept laws, and to submit to a state of affairs which the Japanese themselves are struggling to emancipate themselves from. It is mere folly on the part of the unreflecting and the uninformed, to fancy that there is any design on the part of foreigners to offend national patriotism, or to affront the majesty of the empire, by their opposition to the treaty proposals submitted to the Powers by Viscount AOKI. The cry that Japan is insulted by the antagonism of foreigners to his project, which is raised by a few ambitious, and not too wise officials, industriously echoed by a few subsidised newspapers, and propagated by hired and feather-brained agitators, has neither solidity nor sincerity in it. Foreigners readily recognise Japan's dignity and independence, but they cannot help regarding with apprehension the loss of the protection which the present treaties afford them. They shrink from taking such a leap in the dark, which if not fatal, might prove disastrous to themselves and their interests. Their efforts are nothing more than the justifiable selfishness of striving to guard themselves against injury.

Instead of the Japanese practising a prejudiced, ignorant, and unreasoning clamour at this juncture, how much better it would be for themselves, if they could be induced to sagaciously direct their energies to secure those much called for reforms in the laws affecting political liberty, which are so decidedly obnoxious to aliens, and are so much complained of by themselves. That desideratum is of infinitely greater importance, plus the securing of the assistance of the services of able and independent judges, than that a few hundred foreigners should be made, against their will, to succumb to a few officials' lust of power. Were the laws to be so amended as to secure the liberty of the press, and personal freedom to a degree which does not yet exist for the Japanese themselves, some of the difficulties in the way of revision, which are so formidable as to be almost insuperable, would be found to melt away like snow before the sun, and the gulf which now divides the two hostile camps would be in a fair way of being bridged over, and thus terminating our differences, we might at length finally shake hands in amity and peace,—a consummation devoutly to be desired by all, but of its realization, unfortunately, we see by reason of existing circumstances, at present, but little prospect.

Enclosure 2. Mr. Dwight's No. 158

THE JAPAN GAZETTE.

YOKOHAMA, 4TH OCTOBER, 1890.

A POINT IN CONSTITUTIONAL LAW, AND RECENT PRESS PROSECUTIONS.

TWO days ago, we reported that the editors and publishers of nine Tokyo journals had been severely punished for a breach of the newspaper regulations. The newspapers were the *Nichi Nichi Shimbun*, *Mainichi Shimbun*, *Nippon*, *Asahi Shimbun*, *Tokyo Shimpo*, *Kokumin Shimbun*, *Ukiyo Shimbun*, *Choya Shimbun*, and *Tokyo Koron*. The offence of these journals was the insertion of a memorial to the Government passed by a political Association bearing the name *Kwanzei ni-jiu-ni Shiu Kwai*. Judge MIURA tried the cases in the Tokyo Court of Minor Crimes and on the 1st instant found that the statements published by these journals, relative to Art. 67 of the Constitution, was a violation of the newspaper Regulations and sentenced the editors and publishers, in all fourteen, to a reduced punishment of one month's imprisonment without labour, fined each $25 and ordered the confiscation of all implements (*Kikai*) which had been used in connection with the offence. And of what did the offence really consist? The Kwanzei Association met a short time ago and drew up two memorials—one calling on the Ministry to resign, and the other asking that the power vested in the Government by vexed Art. 67 of the Constitution should be restored to the EMPEROR. That Article reads as follows:—"Those already fixed expenditures based by the Constitution on the powers appertaining to the EMPEROR, and such expenditures as may have arisen by the effect of law, or that appertain to the legal obligations of the Government, shall be neither rejected nor reduced by the Imperial Diet, without the concurrence of the Government." Most of the vernacular journals inserted both the petitions, but their alleged offence centres in the last named which is thus translated by a contemporary. "After setting forth, with some insistance, the fact that the Government is just as much bound to abide by the Constitution as are the governed, the memorialists declared that by this sixty-seventh article the Government is virtually set above the EMPEROR, since its concurrence can enable Parliament to reject or reduce expenditures required for the exercise of the Imperial Prerogatives. The memorialists expressed confidence that the extraordinary power thus vested in the Government ran no risk of being abused by men such as the present Ministers of State, whose loyalty and executive ability will go down as patterns to a hundred generations. But evil Ministers might at any moment be found at the helm of State, and then national misfortunes might be brought about by violations of the Imperial Prerogative. 'The Constitution,' they proceeded, 'is sacred as the basis of national stability to all ages. It should be equally inviolable by high and by low. But such a provision as this sixty-seventh Article makes everything depend on the men in power. The polity stands no longer on a foundation of laws, but on a foundation of persons. To receive from the SOVEREIGN, and to exercise, such independent power does not become the subjects. Your Excellencies should restore this power, and make it clear that no such independent authority is vested in the Government by the Constitution. The official occupying the position of Minister President of State, stands between SOVEREIGN and subject. On him devolves the duty of adopting a far-seeing policy. But such an Article as this sixty-seventh, which violates the Imperial Prerogative and endangers the welfare of the nation, should be corrected by restoring the independent power it confers. This duty devolves upon all the Ministers in office at the time of the promulgation of the Constitution; on Counts KURODA, ITO, OKUMA, INOUYE, YAMADA, MATSUKATA, and OYAMA, and on Viscounts MORI and YENOMOTO. Your Excellencies now know the wrong, and should at once take steps to correct your previous error, so that the nation may be saved from long misfortune.'" In the preamble to the Constitution there is the following Imperial Declaration:—"When in the future it may become necessary to amend any of the provisions of the present Constitution, We or Our successors shall assume the initiative right and submit a project for the same to the Imperial Diet. The Imperial Diet shall pass its vote upon it, according to the conditions imposed by the present Constitution, and in no otherwise shall our descendants or our subjects be permitted to attempt any alteration thereof."

On this our contemporary declares that the Kwanzei memorialists have acted "in distinct violation of the terms of the Constitution, and that the newspapers publishing the memorial committed a grave offence." As regards the memorialists we wholly dispute the indictment. We contend that there has not been any infringement of the Imperial introduction to the Constitution. It is simply enacted in the preface that the initiative right *to amend* any of the provisions rests with the Ruler. No such power is sought or claimed by the

memorialists. In language not disgraced by any impropriety whatever, but rather breathing the most fervent patriotism, they suggest that the Article virtually sets the Government above the EMPEROR and that such a circumstance does not "become the subjects." The sole aim of the petition is the suggestion that greater power shall be vested in HIS MAJESTY. Its drafters do not claim any "initiative right" to so "amend," and, therefore, we wholly fail to see wherein the violation lies. The argument of our contemporary, if it means anything, means that to petition for an alteration of the Constitution is a monstrous illegality, whereas such an intensely arbitrary and anomalous order clearly is not contemplated. As we read the quotation from the preamble, it means nothing more than that the EMPEROR and His Successors simply retain to themselves the initial right to amend and "submit a project for the same to the Imperial Diet." If, as we must infer from our contemporary's dictum, it is to be illegal to approach the Emperor through the Government, by what process are such improvements as may be rendered necessary by the lapse of time and change of conditions to be brought to Imperial notice? The effect of its ruling is to say that the Cabinet or Parliament would be guilty of a "grievous offence" were they to discuss Constitutional law and formulate any plan of emendation for Imperial consideration. Such a condition of affairs would certainly be preposterous, and could only be created by an unwarrantable reading and stretching of the EMPEROR'S Declaration. And the fact that the signators have not been prosecuted visibly strengthens, if any support were needed, our reading. Furthermore, a chapter of the Constitution expressly provides for petitions. And even did the Constitution prohibit such action as the Kwanzei Association has taken, that movement could not be termed a violation of the Constitution as the Constitution is not yet operative. One of its clauses states that the "opening" of the Imperial Diet "shall be the date when the present Constitution comes into force." The Diet has not yet met.

As to the editors and publishers of the newspapers earlier named we cannot say, not having the Newspaper Regulations before us, that they have kept within the law. Those enactments are so harsh and so restrictive, and the interpretation placed upon them so fine and so repressive that the probability is they have committed an offence. But what we can and do state is, that the punishment inflicted is highly inclement and will strongly accentuate abroad the already somewhat firm conviction that the lot of the Japanese journalist is cast in unpleasant places; that he is controlled by a stern and autocratic hand which wields a power befitting Inquisitorial and despotic ages. Imprisonment, fine and confiscation! These are the iron rods which flog the back of the native journalist, and what a satire it truly is on the jurisdiction which covets us that not one native journal in the Empire dare utter one word in criticism of this rigorous austerity or the withering laws which aim at and sanction it. Verily it seems as if the authorities were, in these recent times, endeavouring to bring out in its fullness all that is distasteful and revolting in their laws and acrid administration. As if fine did not meet a paltry offence, imprisonment and confiscation are heaped on the back of the patient and suffering journalists. As to the latter part of the sentence, a contemporary states that it solely refers to "distribution" of the type. But, in face of the finding of the Court, we are led to believe that our contemporary has been deceived. The verdict specifically mentions "confiscation," presumably under sub-section 2 of Art. 43 of the Penal Code providing for "confiscation" of "objects which have served to commit the infraction," as the wording, with the exception of *kikai* (a machine, instrument or tool) for "object," wholly agrees. There is not,—our contemporary asserts there is—any obscurity in the wording; and if the sentence is fully carried out it means something more than putting the type back in the cases. This is the wording of the latter part of the sentence: *Hanzai no yo ni kyoshitaru kikai wa bosshusu*—which, translated, reads: "the machines, &c. which have served to commit the infraction are confiscated." Could anything be more definite, we ask? Whatever may be intended with regard to the carrying out of the sentence, there can be no mistake as to the nature of Judge MIURA'S intention which is as clear as it is severe. Such sentences are wholly opposed to the spirit of the century, they are iron handed, they tend to create a morose, non-helpful and anti-Government press, inflict a serious stain on Japan's reputation abroad, and foster distrust on the part of foreign residents in Japan.

Enclosure 3. Mr. Enright's No. 158.

The Japan Daily Mail.

YOKOHAMA, SATURDAY, OCTOBER 4, 1890.

A BATCH OF OFFENDING NEWSPAPERS.

A JUDGMENT of unusually wide effect has been pronounced against Tokyo newspapers. Last month a political association called the *Kansei Nijuni-shu-Kai* (Society of Twenty-two provinces of Kansei) prepared two memorials, one addressed to the Cabinet, the other to the Minister President of State. The former was translated in these columns; the latter we hesitated to reproduce, deeming it an obvious breach of the laws of the land. Copies of both memorials seem to have been forwarded by the Kansei Association to a large number of vernacular newspapers, for, almost simultaneously with their receipt by the Cabinet, they appeared in print in various parts of the Empire. Now, according to the Press Regulations any newspaper publishing, without official permission, a memorial addressed to any branch of the Government exposes itself to punishment. This rule, whether it be in itself wise or unwise, is perfectly easy to obey, and violations of it have always been punished as indicating more or less indifference to the dictates of the law. In the case we are considering, however, the strong probability is that an offence committed by so large a number of newspapers would not have been visited by the imposition of any actual penalty, and that a reprimand would have been held to meet the requirements of the case. This view is borne out by the fact that no official notice whatever has been taken of the publication of the first memorial, which recommended the resignation of the Cabinet.* It was a prettily worded and somewhat romantic document, actuated avowedly by a desire to see the continuity of history preserved, and by solicitude for the fair fame of the members of the Cabinet. The SHOGUN had, of his own free will, surrendered his executive authority into the hands of the EMPEROR at the time of the Restoration, thereby preventing bloodshed and disorder, and earning the gratitude and applause of the nation. The *Daimyo* had, of their own free will, surrendered their fiefs to the EMPEROR at the time of the Centralization of the Government, thereby exciting the admiration and wonder of the world. Moreover, speaking generally, wisdom prescribes that when men have achieved fame, they should retire gracefully on their laurels. Therefore the Cabinet Ministers were urged to complete the record, and to consult their own reputation by tendering their resignations to the EMPEROR on the eve of the institution of parliamentary government. All this was within the bounds of fair criticism, and, as we have said, no official notice was taken of its publication. But the second memorial touched on very different ground. Our readers will doubtless remember the much discussed sixty-seventh article of the Constitution, which says:—"Those already fixed expenditures based by the Constitution on the powers appertaining to the EMPEROR, and such expenditures as may have arisen by the effect of law, or that appertain to the legal obligations of the Government, shall be neither rejected nor reduced by the Imperial Diet, without the concurrence of the Government." With regard to this the Kansei memorialists raised a curious point. After setting forth, with some insistance, the fact that the Government is just as much bound to abide by the Constitution as are the governed, the memorialists declared that by this sixty-seventh article the Government is virtually set above the EMPEROR, since its concurrence can enable Parliament to reject or reduce expenditures required for the exercise of the Imperial Prerogatives. The memorialists expressed confidence that the extraordinary power thus vested in the Government ran no risk of being abused by men such as the present Ministers of State, whose "loyalty and executive ability will go down as patterns to a hundred generations." But evil Ministers might at any moment be found at the helm of State, and then national misfortunes might be brought about by violations of the Imperial Prerogative. "The Constitution," they proceeded, "is sacred as the basis of national stability to all ages. It should be equally inviolable by high and by low. But such a provision as this sixty-seventh article makes everything depend on the men in power. The polity stands no longer on a foundation of laws, but on a foundation of persons. To receive from the SOVEREIGN, and to exercise, such independent power does not become the subjects. Your Excellencies should restore this power, and make it clear that no such in-

dependent authority is vested in the Government by the Constitution. The official occupying the position of Minister President of State, stands between SOVEREIGN and subject. On him devolves the duty of adopting a far-seeing policy. But such an article as this sixty-seventh, which violates the Imperial Prerogative and endangers the welfare of the nation, should be corrected by restoring the independent power it confers. This duty devolves upon all the Ministers in office at the time of the promulgation of the Constitution; on Counts KURODA, ITO, OKUMA, INOUYE, YAMADA, MATSUKATA, and OYAMA, and on Viscounts MORI and YENOMOTO. Your Excellencies now know the wrong, and should at once take steps to correct your previous error, so that the nation may be saved from long misfortune." Such was the memorial, remarkable as the first protest publicly uttered by any Japanese subject or subjects against the terms of the Constitution. In the preamble to the Constitution, His Majesty the EMPEROR makes the following declaration:—"When in the future it may become necessary to amend any of the provisions of the present Constitution, We or Our successors shall assume the initiative right and submit a project for the same to the Imperial Diet. The Imperial Diet shall pass its vote upon it, according to the conditions imposed by the present Constitution, and in no otherwise shall our descendants or our subjects be permitted to attempt any alteration thereof." It is evident, therefore that the Kansei memorialists acted in distinct violation of the terms of the Imperial Decree forming the Preamble to the Constitution, and that the newspapers publishing the memorial committed a grave offence. After considerable delay and debate their punishment has been decided; namely, a month's confinement without labour for the publishers and editors, together with a fine of 25 *yen*. Another apparent penalty has also been imposed, namely, the dispersion of the type used in the printing of the memorial. The language employed in stating this penalty is obscure, and an idea prevailed at first that the confiscation of the newspapers' type and plant was intended. But further enquiry shows that nothing is contemplated except such steps as will prevent further printing of the offending matter with the same type—namely, the "distribution" of the latter.

* Owing to some misunderstanding this memorial has been described as the cause of the journals' punishment, but in truth it had nothing to do with

Such are the facts of an affair which has brought a criminal sentence on the staff of nine newspapers: the *Nichi Nichi Shimbun*, *Mainichi Shimbun*, *Nippon*, *Asahi Shimbun*, *Tokyo Shimpo*, *Kokumin Shimbun*, *Ukyo Shimbun*, *Choya Shimbun*, and *Tokyo Koron*. The sentence seems severe, for though minor imprisonment involves nothing more than confinement without labour of any kind, it is still imprisonment. One cannot but think that a heavy fine would have met the requirements of the case. We trust that the day is not far distant when censorship of the press will be altogether dispensed with in Japan. The world does not reason about these matters: it only notices the broad fact that journalists are fined and imprisoned, and infers an arbitrary administration and an imperfectly developed state of public opinion.

To mail clerk
who can dispose

Mr. Taylor

2d ASSISTANT SECRETARY.
Refer to mail-clerk.
aag
OCT 31 1890

DIPLOMATIC BUREAU.
OCT 31 1890

DEPARTMENT OF STATE
OCT 30 1890
RECEIVED.

No. 159.

Legation of the United States.
Tokio Japan, Oct, 6, 1890.

Mr. Swift:
To the Secretary of State,

Subject:
Mail pouch from the Department received at this Legation with a rent in its side.

No. 159.

Legation of the United States,
Tokio Japan, October 6, 1890.

Hon. James G. Blaine,
Secretary of State
Washington D.C.

Sir:

I have the honor to report that the mail pouch from the Department, post-marked Washington "August 16th 4 P.M. 90." which reached this Legation on the 10th of September, 1890, per P.M.St. "City of Peking," had a rent in its side when received. I return the pouch, herewith, in the condition in which it was received by me.

I have the honor to be
Sir,
Your obedient servant,
Jouett Hazard

Enclosure

Enclosure. Separate.
Mail pouch as above.

File

Mr Taylor

DIPLOMATIC BUREAU.

OCT 31 1890

DEPARTMENT OF STATE
OCT 30 1890
RECEIVED.

No. 160.

ASSISTANT SECRETARY.
Ack. by Number and File.
OCT 31 1890

Legation of the United States.
Tokio Japan, Oct: 6. 1890.

Mr. Swift.

To the Secretary of State.

Subject.

Speech delivered by Dr. Kato, President of the Imperial University.

No. 160.

Legation of the United States,
Tokio Japan, October 6. 1890.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose herewith a clipping from the "Japan Mail" of this date, giving a synopsis of an address recently delivered by Dr. Kato, President of the Imperial University of Japan.

The position of this Eminent gentleman, at the head of the first educational institution in the country, is sufficient to

Call

call attention to his utterances.

His speech is worthy of perusal as showing that the most learned and intelligent Japanese statesmen are not unaware of the difficulties that have to be met and overcome in order to place the country abreast of Western States in political progress and improvement.

I have the honor to be

Sir,

Your obedient servant

John F. Swift

Enclosure:

Dr. Katō's speech

Enclosure. Mr. Dwight's No. 160.

The Japan Daily Mail.

YOKOHAMA, MONDAY, OCTOBER 6, 1890.

EDITORIAL NOTES.

A SPEECH DELIVERED BY DR. KATO, PRESIDENT OF THE IMPERIAL UNIVERSITY.

ON the twenty-eighth ultimo, the third meeting of the Philosophical Society was held in the Hall of the Society at Komagome Hongo, Tokyo. Dr. Kato, President of the Imperial University, delivered a speech on "Next November." The gist of what he said is as follows:—To prophesy what will happen in the course of next November would be idle. It is not so easy generally, to talk of future occurrences as to discuss past events. Next November is a month of momentous consequence to our people. Yet it may well be that our present anxiety about the month will prove groundless. In November next the Constitution will become an accomplished fact. The route that has here been adopted to a representative form of government is far different from that followed by European nations to attain the same goal. Their condition is the natural outcome of various changes wrought out from generation to generation; ours is a state prepared artificially and perhaps prematurely, and consequently there is a chance of its not proving good in practice. In England the representative form of government was reached at an early date. But among the rest of the European nations government forms have but lately been perfected, and therefore their political affairs are far inferior to those of England, where the present polity is the natural result of long experience. The systems of the countries of continental Europe are perfect and splendid in appearance, yet their practical working is still unsatisfactory. Even in England and other European countries where racial identity virtually exists and customs and natures do not differ much, marked degrees of superiority and inferiority are discernible in respect of the organization and utility of political parties. In Japan, thirty years ago, the people were utterly ignorant of the very name of Constitutional Government. Yet they are now on the eve of adopting that form of government. It must be remembered, too, that the proceeding is not the result of natural evolution as in Europe, but is rather of an artificial character. Consider the Turkish Empire. Ten years ago Turkey was pressed to establish a Constitutional Government during a time of domestic commotion. But she proved unable to carry out the project, and the law issued with that object became a dead letter. Except Turkey, which actually attempted, though unsuccessfully, to establish a Constitutional polity, we are the first nation in all Asia that has adopted such a form of Government. May we not repeat Turkey's unhappy experience! November is close at hand. Though we cannot predict what will happen in the Diet, we know at least that unpleasant results have occasionally attended national assemblies in Europe where the government is sustained by a political party. We have to be very careful in making arrangements for a Diet which is to be opened for the first time. The Diet should not be a place for political fighting among different parties. If the representatives are interested for their own constituents only, but indifferent to the national welfare, serious results may ensue for the nation. Properly speaking, representatives represent not only the persons by whom they were elected, but also their country, and they should not be ambitious for their own glory, or self-conceited, but should be of good morals, to offer a good example to others. Yet at the same time they should not be luxurious and ostentatious in habits, but should observe strict simplicity of life. Those who know nothing of genuine principles and are yet determined to oppose the proposals of the government, and those who have no knowledge of the causes of the government expenditure but yet insist upon the reduction of such expenditure, cannot be said to possess the proper qualifications of representatives. As for the public, it should direct special attention to finding means for suppressing the so-called *soshi*. At present *soshi* and *violence* have almost become synonymous terms. In case the *soshi* become more violent in their methods the representatives will be obliged to confine themselves within narrow limits. Such accidents are apt to occur more frequently in a country where representative government has been reached artificially, than in countries where it is the outcome of natural evolution. It is desirable that arbitrary exercise of power by representatives of the people and physical violence of the *soshi* should not go together. Considered from every point of view, next November is the most critical month in our annals. We should be very careful not to invite such a failure as that made by the Turks. It is for us to set a good example of representave government to the rest of the Asiatic nations. I hope that nothing will happen to make Europeans and Americans pronounce representative government impracticable in Asia after all. I hope further that even though no very satisfactory result be attained by our Diet, we shall at least not become a laughing stock to the jurisconsults of Europe and America.

Mr. Taylor + Mr. Hendrickson

DEPARTMENT OF STATE
OCT 30 1890
RECEIVED.

DIP[illegible]AU.
OCT 30 1890

Legation of the United States.
Tokio Japan, Oct 7. 1890.

Mr. Dun.

To the Secretary of State.

Subject.

Accounts for the quarter Ended
September 30, 1890.

Legation of the United States.
Tokio Japan Oct. 7. 1890.

Hon. James G. Blaine.
Secretary of State.
Washington D.C.

Sir.

I have the honor to Enclose herewith, Statements of my accounts for salary and for loss by Exchange for the quarter Ended September 30. 1890.

I have the honor to be
Sir.
Your obedient-Servant-
Edwin Dun
Secretary of Legation

Enclosures:
Statements of accounts as above.

DEPARTMENT OF STATE
OCT 30 1890
RECEIVED.

No. 161.

2D ASSISTANT SECRETARY.
Ack'd by subject & file.
NOV 11 1890

Legation of the United States,
Tokio, Japan, October 7, 1890.

DIPLOMATIC BUREAU.
NOV 11 1890

Mr. Dwight
To the Secretary of State.

Subject:
Memorial of English Missionaries
of Tokio.

Synopsis:

Its purpose as an offset to the Yokohama Resolutions — Falls short of its purpose — Not incompatible with Yokohama Resolutions — Indications that American missionaries are ready for Japanese jurisdiction.

No. 161.

Legation of the United States,
Tokio, Japan, October 7, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith, for your information, a newspaper copy of a memorial of the English missionaries of Tokio to the British Minister, on the subject of treaty revision. It is understood that the document was prepared and signed as a counter-step opposed to the resolutions of the Nara-kwansa meeting. If so, however, it manifestly fails to have that effect; for, by its terms, so far as

extraterritoriality

extraterritoriality is concerned, — instead of taking issue with the position of the merchants, the memorial substantially agrees with it, or at least does not materially disagree.

The Yokohama resolutions declare in substance that the time has not arrived for the unconditional abandonment of extraterritoriality. On the contrary, while saying a good deal about the progress Japan has made in her improved laws and tribunals, the memorializing — missionaries do not offer to subject themselves unconditionally to these laws and tribunals. Instead of that, while praying such a speedy revision of the treaties in the matter

Of

of extraterritoriality as will satisfy the legitimate demands of the Japanese Government, they take care to express a wish for such a revision" as will "sufficiently safeguard the rights and "interests of Her Britannic Majesty's "subjects", and, at the same time, cautiously avoid so much as hinting at what safeguards will be deemed satisfactory.

This is very far short of saying that they are willing to have extraterritoriality unconditionally abolished and to submit themselves unreservedly to Japanese jurisdiction. It does not seem unlikely that, had this memorial been presented to the Yokohama English merchants, very many of them might have signed

signed it. It has been the generally expressed desire of the foreigners with whom I have conversed that the treaties be speedily revised upon some satisfactory basis and the agitation, if possible, brought to an end. * Nobody here disputes the fact that Japan has made and is making great progress in the direction desired by the civilized world. Yet I doubt if any very considerable number of foreigners in Japan, whether missionaries or merchants, desires the unconditional abolition of extraterritoriality without more or less of what has been called in the discussion "safeguards", such as foreign judges, assessors or jurors, or something of a like nature; or

great

great as the acknowledged progress Japan has made, that they would willingly submit to unrestricted Japanese authority except as an unavoidable necessity. X But I am of the opinion that most of the American missionaries stand ready to accept the change when and in whatever shape it comes, with all possible cheerfulness; and to make the best of it. Indeed it is almost certainly true that at the bottom the merchants feel much in the same way.

I have the honor to be,
Sir,
Your obedient servant,
John T. Swift

Enclosure:

Enclosure :-

Memorial as above.

Enclosure with Mr. Griffis No. 161.

A MEMORIAL FROM THE BRITISH CLERGY.

THE following memorial, signed by all the British missionaries in Japan with one exception, has been presented to Her Majesty's Minister in Tokyo:—

To His Excellency HUGH FRASER, Esq., H.B.M.'s Envoy Extraordinary and Minister Plenipotentiary to Japan.

MAY IT PLEASE YOUR EXCELLENCY.—We, the undersigned British Subjects resident in Tokyo and engaged in Christian mission work, under a sense of the many evils resulting from the postponement of the revision of the Treaties between H.I.M. Japanese Government and the Foreign Powers, desire to approach Your Excellency in the following memorial.

We desire to express to Your Excellency our sense of the great and successful efforts which have been made in recent years by the Government of Japan, especially in the compilation of her code of criminal and civil law, and in the organization of her legal tribunals, to bring her methods of legal procedure into a position similar to that enjoyed by the most enlightened nations of the West.

We venture, therefore, to express the hope that such a revision of the Treaties may speedily be brought about as will, while sufficiently safe guarding the rights and interests of H.B.M.'s subjects, satisfy the legitimate demands of H.I.M. Japanese Government in the matter of Extra-territoriality.

We remain Your Excellency's obedient servants.

Tokyo, October 3rd, 1890.

DUPLICATE

Enclosure with Mr. Dwight's No. 161.

A MEMORIAL FROM THE BRITISH CLERGY.

THE following memorial, signed by all the British missionaries in Japan with one exception, has been presented to Her Majesty's Minister in Tokyo:—

To His Excellency HUGH FRASER, Esq., H.B.M.'s Envoy Extraordinary and Minister Plenipotentiary to Japan.

MAY IT PLEASE YOUR EXCELLENCY.—We, the undersigned British Subjects resident in Tokyo and engaged in Christian mission work, under a sense of the many evils resulting from the postponement of the revision of the Treaties between H.I.M. Japanese Government and the Foreign Powers, desire to approach Your Excellency in the following memorial.

We desire to express to Your Excellency our sense of the great and successful efforts which have been made in recent years by the Government of Japan, especially in the compilation of her code of criminal and civil law, and in the organization of her legal tribunals, to bring her methods of legal procedure into a position similar to that enjoyed by the most enlightened nations of the West.

We venture, therefore, to express the hope that such a revision of the Treaties may speedily be brought about as will, while sufficiently safe guarding the rights and interests of H.B.M.'s subjects, satisfy the legitimate demands of H.I.M. Japanese Government in the matter of Extra-territoriality.

We remain Your Excellency's obedient servants.

Tokyo, October 3rd, 1890.

Mr Taylor
Mr Blackford

DIPLOMATIC BUREAU
OCT 31 1890

DEPARTMENT OF STATE
OCT 30 1890
RECEIVED.

No. 162.

Legation of the United States
Tokio Japan, October 7, 1890.

Mr. Swift-
To the Secretary of State.

Subject:
Accounts for the quarter Ended
September 30, 1890

No. 162.

Legation of the United States,
Tokio Japan, Oct. 7. 1890.

Hon James G. Blaine,
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose herewith statements of my accounts, for Salary, for Contingent Expenses and for Loss by Exchange, for the quarter ended September 30, 1890.

I have the honor to be
Sir,
Your obedient servant
John F. Swift

Enclosures:
Statements of accounts as above.

Mrs Anderson

DIPLOMATIC BUREAU

NOV 11 1890

DEPARTMENT OF STATE
NOV 8 1890
RECEIVED.

No. 163.

Mrs Taylor

Legation of the United States.
Tokio Japan, October 10. 1890.

Mr. Swift.
To the Secretary of State.

Subject:
Rent of old Legation premises from
March 15. to May 13, 1890.

No. 163.

Legation of the United States,
Tokio Japan, October 10, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir:

As authorized by instruction No. 87 dated July 9, 1890, I have paid, by draft on the Secretary of State, to the owners of the old Legation premises at No 1. Tsukiji, Tokio, the extra rent due them for the time those premises were occupied by this Legation after March 15, 1890, viz: from March 16th to May 12th 1890, both inclusive.

The amount of said draft is $ 540.27 the rent for fifty-eight days at the rate

rate of $3400.- per annum.

I have the honor to enclose herewith, a statement of my account for this transaction together with a receipt from the owners of the property in full discharge of all claims in respect to the holding of said property.

I also enclose copies of the powers of attorney from the owners of the property authorizing Mr Henry C. Litchfield to sign for them the said receipt.

A duplicate of this account and receipt will be forwarded to you by the next following mail.

I have the honor to be

Sir.

Your obedient servant.

John T. Swift

Enclosures:

Account, vouchers & copies of powers of attorney as above. — (In possession of Disby Clerk.)

J.T.S.

DIPLOMATIC BUREAU
NOV 11 1890

DEPARTMENT OF STATE
NOV 8 1890
RECEIVED.

No. 164.

Mr Denby

Legation of the United States.
Tokio Japan, Oct: 16: 1890.

Mr: Uhl:
To the Secretary of State.

Subject:
Duplicate statements of accounts
for the quarter Ended Sept. 30, 1890.

No. 164.

Legation of the United States.
Tokio Japan, October 15, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose herewith duplicate statements of my account for salary, contingent expenses and loss by exchange for the quarter ended September 30, 1890.

I have the honor to be
Sir.
Your obedient servant
John F. Swift

Enclosures.

Duplicate statements of accounts as above.

Library
Dept of Justice
DIPLOMATIC BUREAU
NOV 1
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12 20
DEPARTMENT OF STATE
NOV 8 1890
RECEIVED.

Mr Taylor

No. 165.

Legation of the United States,
Tokio Japan, October 15. 1890.

Mr. Swift:
To the Secretary of State.

Subject:
The "Law of Constitution of the Courts of Justice" of Japan.

No. 165.

Legation of the United States,
Tokio Japan, October 15, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir:

I have the honor to transmit herewith, under separate cover, two copies of the official translation of the "Law of Constitution of the Courts of Justice" of Japan.

By Imperial Decree this Law comes into force on the 1st of January next; at the same time with the "Commercial Code" and the "Revised Criminal Code".

The enclosed is the first official translation

translation to appear of any of the new Japanese Codes. I am given to understand that that of the "Commercial Code" will soon follow.

I have the honor to be

Sir.

Your obedient-servant.

John F. Swift

Enclosure - Separate.

Duplicate copies of the "Law of Constitution of the Courts of Justice".

DIPLOMATIC BUREAU
NOV 11 1890

DEPARTMENT OF STATE
NOV 8 1890
RECEIVED.

No 166.

Mr Taylor

Legation of the United States.
Tokio Japan. Oct 15. 1890.

Mr. Swift:
To the Secretary of State.

Subject:

Request for new map of the United States.

No. 166.

Legation of the United States.
Tokio Japan. October 15. 1890.

Hon. James G. Blaine,
Secretary of State.
Washington D.C.

Sir:

If a new wall map of the United States, giving the division between the new States of North and South Dakota, has been published, I have the honor to request that one may be sent to this Legation. The Office wall map of the United States now in use in this Legation is that of Hon. Wm A. J. Sparks of 1886.

I have the honor to be
Sir.
Your obedient servant;
John T. Swift

File

DEPARTMENT OF STATE
NOV 8 1890
RECEIVED.

No. 167.

DIPLOMATIC BUREAU
NOV 11 1890

Mr Taylor

Legation of the United States,
Tokio, Japan, Oct. 15, 1890.

Mr. Dwight
To the Secretary of State.

Subject:
Opening of Japanese Parliament.

Synopsis.
The date fixed by the Emperor -
Order of Ceremonies understood
to be of elaborate character.

No. 167.

Legation of the United States,
Tokio, Japan, Oct. 15, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington. D.C.

Sir:

I have the honor to inform you that on the 10th instant the decree was issued by His Imperial Japanese Majesty for the meeting of the Diet as provided by the Constitution.

This important event is to take place on the 25th of the coming month, November. The order of ceremonies to be followed on the occasion has not yet been promulgated but it is understood that it will be of the elaborate and imposing character

character befitting the first meeting in the country of a representative legislative body.

I have the honor to be

Sir,

Your obedient servant,

James Duane

No. 168.

DIPLOMATIC BUREAU
NOV 15 1890

DEPARTMENT OF STATE
NOV 8 1890
RECEIVED.

2D ASSISTANT SECRETARY.
Ack by subject & file
NOV 15 1890

Legation of the United States,
Tokio, Japan, Oct. 17, 1890.

Mr. Dwight
To the Secretary of State.

Subject:
Treaty Revision Memorial of
Foreigners resident at Kobe.

Synopsis:
Memorial presented to Diplomatic
Representatives. – Original copy sent
to Doyen. – Character of Signatories.

No. 168.

Legation of the United States,
Tokio, Japan, Oct. 17, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

In my despatch No. 157, dated the 6th. instant, I had the honor to inform you that certain foreign residents of Kobe, following the example set at Yokohama September 11th., were understood to be taking some action looking to the expression of opinion on the subject of treaty revision in Japan.

The movement has since resulted in the preparation and presentation

presentation to the Representatives of the treaty powers at Tokio of a memorial signed by one hundred twenty three residents at the Port above named. The original paper was sent to the Minister of France, Mr. Kiennicz, Dean of the Diplomatic Corps, to be laid before that body. What action he will take in the matter I am as yet unable to say. It is not likely, however, that a meeting will be called for its consideration. Of course I should not if invited so to do (a thing hardly likely to occur) join in any discussion or consideration of the memorial, believing that my duty will be fully discharged with

with respect to it when I have forwarded it to the Department of State.

A copy has been sent to me through the U. S. Consul at Osaka and Kiogo which I herewith enclose for your information and consideration. The signatories, one hundred & seventy-three in number, to the best of my belief, with a few prominent exceptions, comprise the principal portion of the foreign merchants and business men of the Port of Kobe and the memorial no doubt is a fair expression of the views of that class of residents upon the questions dealt with.

In forwarding it to the Department

Department of State I do not wish to be understood as either assenting to or dissenting from anything contained in the paper, but simply call your attention to it as the opinion of a body of men of good character and interested in the subject matter, leaving the value to be attached to it, if any, to your exclusive consideration.

I have the honor to be
Sir,
Your obedient servant,
John F. Swift

Enclosure:
Memorial as above, with
letter H. H. J. Browne to Mr. Swift, Oct. 9, 1880.

Enclosure with Mr. Swift's No. 168

(Copy)

To their Excellencies

THE REPRESENTATIVES OF THE FOREIGN POWERS HAVING TREATIES WITH JAPAN.

Sirs,

It having been represented that there is a probability of certain proposals of the Japanese Government being accepted by the Treaty Powers, involving the abolition of extra-territoriality without the safeguards that have hitherto been considered necessary for the welfare of foreigners, we the undersigned subjects and citizens of the Treaty Powers in Kobe consider it our duty to lay before your Excellencies the views that we entertain upon a subject which so directly affects our position in this country.

Whilst recognising to the fullest extent the immense progress that Japan has made during the past few years, and whilst sympathising with her natural desire to obtain complete Sovereign Rights, it is our decided opinion, in common with our fellow-countrymen resident in Yokohama, "That the time has not yet arrived when questions in re- "gard to rights, whether of property or person, arising "between subjects and citizens of Foreign Powers in the "Dominions of His Majesty the Emperor of Japan can be un- "conditionally and safely subjected to the jurisdiction of "Japanese Tribunals."

We

We are also strongly of opinion that it would be premature to attempt to fix a date for the complete and unconditional relinquishment of extra-territorial jurisdiction until the new Criminal and Civil Codes which it is proposed to put in force have been in operation for some little time, and experience has been gained as to how far they meet the requirements of the changed condition of affairs.

We have the honor to be, Sirs,

Your Excellency's humble and obedient Servants,

H.ST.J. BROWNE.
ALF. WOOLLEY
P. S. CABELDU
A. W. GILLINGHAM
M. PORS
CHAS. ED. STEPHENS
H. L. BAGGALLAY
GEO. J. MELHUISH
A. S. BREMNER
H. FABER
J. RALSTON
C. F. HOOPER
A. BOUDOU
M. BLUM
O. MUNCH
ED. FRIBOURG
THOMAS C. THORNICRAFT
P. A. NICOLLE
ERNEST T. BETHELL
F. A. COPE
T. MEYERDIRKS
G. S. BURDIS
D.R RAMSAY
EUGENE H. GILL
L. BEGEUX
S. L. GOLDMAN
JAS. STEWART
J. ARTHUR REYNOLDS
JESSE W. GRAY
R. PATON
E. STRUCKEN
I. AILION
T. W. HELLYER

CH. BOUDOU.
C. SCHUTZE
E. BECKER
A. M. DELF
W. KEATES
P. CLARK
C. P. FALCK
R. M. SCOTT
A. BUSCHER
TOUSSAINT
W. PIPER
F. L. MARSHALL
N. LANGE
W. C. BONGER
W. DOWN
J. PALMER
H. HARVEY
N. SCHLESSER
R. HOLME
A. RICHARDSON
W. G. WHYMARK
A. VISSCHER
M. MARIANS
J. C. WILLIAMS
WILLIAM FALCK
GEO. BAYFIELD
CHANDLER GIBBENS
A. GORDON BROWNE
GEORGE GIMBLE
A. M. MARSHALL
C. RANDEWIG
A. OESTMANN
H. P. PEARCE

M. BROWN JR.
G. W. BUTT
W. S. GOODISON
J. W. CROWE
AUG. EVERS
FRANS H. SCHLUTER
A. A. THOMAS
T. LENZ
R. W. H. WOOD
E. KELLMANN
C. GUIDOU
D. S. BROWN
P. HAPPEL
CONRAD HARVEY
C. T. M. NICKEL
TH. DE. BERIGNY
WOLF G. JOHNSONN
~~ARTHUR FISCHER~~
A. STEWART
J. R. BLACK
C. B. STEADMAN
J. M. MUR
PERCEY S. SYMES
THEODORE BUNGE
J. SAENGER
T. WINCKLER
S. BULLER
R. HOECKERT
S. P. GALIVER
A. W. QUINTON
JAMES MARSHALL
J. M. MAITLAND
G. NATERMANN
JOSEPH THOMAS
C. O. BECK
W. VEHLING
A. G. MOREY WEALE
R. T. HEAD
J. R. GIBSON
F. J. LIAS
HERBERT J. MARSHALL
O. MEYER
J. C. PETER
C. W. MAY
A. DREWELL
M. SURTH
H. A. AHRENS
F. J. HALL
A. REIMHARDT
C. Z. EDE
N. GUTERRES
J. BLACKMORE

M. BAGGALAY
E. BONGER
M. WIGNALLL
W. K. WILSON
L. D. ABRAHAM
H. L. PHILLIPS
B. ENTHOVEN
W. E. DRUMMON
J. MAYNARD SAUNDERS
F. WHEALAN BOYLE
JOHN CREAGH
F. GUTERRES
JOHN MORRISON
FRD. W. SENNETT
C. W. DIMOCK
S. PORIES
G. DE BEER
~~N. GUTERRES~~
D. B. TAYLOR
G. R. MOOR) GRAHAM M.B.
HARRY O. PHILLIPS
J. D. CARROLL
F. V. SAMULES
A. MILNE
J. R. PALLANT
MAURICE FITZGERALD
C. P. HALL
E. W. NOEL
J. S. MASCARENHAS
S. ENDICOTT
A. C. SIM
G. C. PACKENHAM
C. H. FEARON
COLGATE BAKER
COLGATE BAKER JR.
JOHN FOX
G. W. BROCKHERST
H. RENAULT
ALEXANDER CAMERON
F. SAILER
J. WL FRANKLIN
F. GILLARD
F. H. HUNTER
J. D. WOODFORD
J. A. DE FIGUEIREDO
P. CONORT
J. PAULSEN
H. C. PIGOTT
WILLIAM KERR
EDWARD S. HITCHCOCK
T. DITLOW
ARTHUR FISCHER

Enclosure with Mr. Swift's No. 168

Copy.

Hiogo 9th October 1890.

His Excellency,

John F. Swift,

Envoy Extraordinary and Minister plenipotentiary

for the United States,

Tokio,

Sir:

I have the honor to hand you a copy of a memorial from 173 residents at this port upon the subject of Treaty Revision the original of which bearing their signatures I am at the same time transmitting to His Excellency the Minister for France as Doyen of the Foreign Diplomatic Corps.

I have the honor to be

Sir

Your Excellency's obedient servant,

H. ST. J. BROWNE

For the committee of signatories.

DEPARTMENT OF STATE
NOV 28 1890
RECEIVED.

No. 169

Legation of the United States,
Tokio, Japan, Oct. 25, 1890.

2d ASSISTANT SECRETARY.
Ack. by Number and File.
DEC 1 1890

Mr. Dwight
To the Secretary of State.

Subject:
Missionaries in Treaty Revision.

Synopsis:
Letter from Rev. J. C. C. Newton, of Kobe.

No. 169.

Legation of the United States,
Tokio, Japan, Oct. 25, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inclose herewith for your information a letter received from Rev. J. C. C. Newton, an American citizen of good repute engaged in missionary work at Kobe, in Japan, in which that gentleman expresses his views upon the subject of treaty revision; also a copy of my answer to the same.

I have the honor to be,
Sir
Your obedient servant,

John F. Swift

Enclosures: 1. Mr. Newton to Mr. Swift. Oct. 17, 18[illegible]

2. Mr. Swift to Mr. Newton. Oct. 24, 18[illegible]

Enclosure 1 with Mr. Swift's No. 169.

(Copy)

Kwansei Gakuin, Kobe,

October 17th, 1890.

The Honorable John F. Swift,

Minister Plenipotentiary

United States of America.

Dear sir:

The testimony of one man may seem of little worth, nevertheless, being an American citizen and having resided in Japan together with my family for more than two years, I desire as a Christian man and a Missionary to say that I am perfectly willing to live under the authority and operation of the Laws of this Empire and will be glad to see the day when the existing Treaties between Japan and the Christian nations of the West shall be revised.

Your obedient servant,

J. C. C. NEWTON.

Enclosure 2 with Mr. Swift's No. 179.

(Copy)

No. 107.

Legation of the United States,

Tokio, October 24, 1890.

Rev. J. C. C. NEWTON,

Kobe.

Sir:

Your letter of October 17th, offering your testimony and expressing your opinions and wishes upon the subject of treaty revision, reached me this morning and I hasten to acknowledge its receipt.

Not doubting that the Government of the United --- States is always willing and anxious to hear what its citizens have to say on subjects that concern them, I shall forward a copy of your communication to the Department of State, where it will receive such consideration and weight as the President and his advisers may deem wise and just.

I am, dear Sir,

Your very obedient and humble serv't,

JOHN F. SWIFT.

No. 170.

DEPARTMENT OF STATE
NOV 28 1890
RECEIVED.

DIPLOMATIC BUREAU
DEC 17 1890

Mr. Crosby

Legation of the United States,
Tokio, Japan, Oct. 25, 1890.

2d ASSISTANT SECRETARY.
Ack by subject & file.
DEC 1 1890

Mr. Swift
to the Secretary of State.

Subject:
Missionaries on Treaty Revision

Synopsis:
Memorandum of Proceedings at the annual Meeting of the Missionary Association of Central Japan. —

No. 170.

Legation of the United States,
Tokio, Japan, Oct. 25, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inclose herewith for your information a copy of a memorandum or resolution on the subject of treaty revision adopted by "the Missionary Association of Central Japan" at its annual meeting held at Osaka on the 14th of the present month.

Also a copy of the letter of Rev. Charles F. Warren forwarding the same to the Legation and my

Answer

answer to the same.

A copy of the memorandum referred to in the preceding first mentioned as having been adopted by the Association in April, 1884, and reaffirmed at this time, is also enclosed in a newspaper clipping.

These papers are all forwarded as tending to throw light upon the opinion of intelligent foreigners residing in Japan, regarding the subject matter.

I have the honor to be
Sir,
Your obedient servant
John K. Swift

Enclosures:

1. Memorandum as above.
2. Mr. Warren to Mr. Swift, Oct. 21, 18
3. Mr. Swift to Mr. Warren, Oct 24, 18
4. Newspaper clipping as above.

Enclosure 1 with Mr. Swift's No.170.

(Copy)

MEMORANDUM ON TREATY REVISION ADOPTED AT A MEETING OF THE CENTRAL JAPAN MISSIONARY ASSOCIATION HELD IN OSAKA OCTOBER 14th, 1890.

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We the undersigned members of the Missionary Association of Central Japan feel it incumbent on us to express our high appreciation of the progress made in recent years by the Empire of Japan, and in view of the solemn guarantees for civil and religious liberty given by the new Constitution, and of the legal and judicial reforms in which the most enlightened nations of the West are being followed; we hereby reaffirm the position taken in the Memorandum adopted by this Association in April, 1884 and desire to further emphasize our belief that every just and legitimate demand of the Japanese Government and people, in accordance with the principles of International Law, should be conceded in revising the Treaties between Japan and the Foreign Powers concerned.

(Signed) B.C.Haworth, Am.Pres.Mis., Kobe.
J.P.Hearst, " " " "
C.G.Brown, " " " Tokushima.
Geo.Allchin, A.B.C.F.M., Osaka.
Geo.E.Albrecht, A.B.C.F.M., Kyoto.
Dwight W.Learned, A.B.C.F.M., Kyoto.
C.M.Fisher, Am.Pres.Mis., Osaka.
James B. Ayers, A.P.M., Yamaguchi.
J.Walter Doughty, A.P.M., " "

J.L.Atkinson, A.B.C.F.M.,	Kobe.
A.D.Hail, Am.Pres.Mis.,	Osaka.
P.K.Fyson, C.M.S.,	"
G.W.Van Horn, Cumb.Pres.Mis.,	"
J.B.Hail, " " "	"
D.A.Murray, " " "	"
G.E.Woodhull, Am.Pres.Mis.,	"
H.B.Price, " "	Tokushima.
R.B.Grinnan, " "	Kochi.
T.T.Alexander, " "	Osaka.
Franklin H. Bassett, "	"
G.E.Hudson, Cumb.Pres.Mis.,	"
Otis Cary, A.B.C.F.M.,	"
G.M.Rowland, A.B.C.F.M.,	Tottori.
James Hind, C.M.S.,	Osaka.
Geo. Chapman, C.M.S.,	"
Wallace Taylor, A.B.C.F.M.,	"
W.W.Curtis, A.B.C.F.M.,	Sendai.
A.F.Chappell, C.M.S.,	Gifu.
C.F.Warren, C.M.S.,	Osaka.
Isaac Dooman, Am.Prot.Ep.Mis.	Nara.
W.P.Buncombe, C.M.S.,	Tokushima.
J.B.Porter, Am.Pres.Mis.,	Kyoto.
J.Cooper Robinson,Wycliffe (Coll.Mis.,	Nagoya.
J.Macqueen Baldwin, "	"
C.K.Cumming, South.Pres.Mis.,	"
L.L.Albright, Meth.Prot.Mis.,	"
E.H.Vandyke, " " "	"
Whiting S.Worden, A.M.E.M.,	"
R.E.McAlpine, South.Pres.Mis.,	"
J.D.Davis, A.B.C.F.M.,	Kyoto.
C.M.Cady, " "	"
E.Buckley, " "	"
M.L.Gordon, " "	"
Arthur W.Stanford, "	"
John C.Berry, " "	"
James H.Petter, " "	Okayama.
J.C.Ambler, Am.Prot.Ep.Mis.,	Osaka.
John McKim, A.B.C.F.M.,	"

Enclosure 2 with Mr. Swift's No. 170.

(Copy)

Osaka,

October 21st., 1890.

To
The Honorable

J. F. SWIFT,

United States Minister,

Tokio.

Sir,

At the request of the Committee appointed for the purpose I beg to enclose for your information a copy of a Memorandum on Treaty Revision recently adopted by the Missionary Association of Central Japan and since signed by forty-seven British and American Missionaries in this district.

A copy of the Memorandum of 1884 which it reaffirms was sent to the United States Minister at the time.

I am

Sir

Yours very faithfully,

CHAS. F. WARREN,

Chairman
of the Comm.

Enclosure 3 with Mr. Swift's No. 170.

(Copy)

No. 106.

Legation of the United States,

Tokio, October 24, 1890.

Rev. Charles F. Warren,

Chairman of the Treaty Revision Memorandum Committee of the Missionary Association of Central Japan.

Sir:

Your communication dated Osaka, Oct. 21st, 1890, enclosing a copy of a Memorandum on treaty revision recently adopted by the Missionary Association of Central Japan and signed by 47 British and American Missionaries of that district reached me yesterday and I avail myself of the earliest oportunity to acknowledge the same.

I can only add to this acknowledgment that I shall forward a copy of the paper to the Department of State where, no doubt, it will be redeived with that respect due to the recognized high character of the gentlemen whose names are attached, and such weight and consideration as the Government of the United States may deem just and proper under all the circumstances.

I am, dear Sir,

Your very obedient and humble ser
(vant,

JOHN F. SWIFT.

Enclosure 4 with Mr. Swift's No. 170.

MEMORANDUM ON TREATY REVISION ADOPTED AT A MEETING OF THE OSAKA AND KOBE MISSIONARY ASSOCIATION HELD IN TOKYO, APRIL 22ND, 1884.

The Osaka and Kobe Missionary Association having discussed the question of extraterritoriality in connection with the proposed Revision of the Treaties, the undersigned desire to place on record a formal expression of their opinion that the time has arrived when substantial modifications should be made in those provisions of the existing Treaties which give exceptional privileges to the subjects and citizens of Treaty Powers and which are considered by the Japanese Government and people to be an infringement of their just and sovereign rights as an independent nation. The circumstances under which Japan was brought into Treaty relations with Western Powers were clearly exceptional, and in the interests of both Japanese and Foreigners alike exceptional arrangements were undoubtedly necessary. But the lapse of twenty-five years has placed us in such a widely different position as in our opinion to require that at least some of the exceptional provisions of the existing Treaties should be modified, and that concessions should be made to any just and reasonable demand of the Japanese Government in this direction. The interests created under the existing Treaties certainly demand the most careful consideration of those to whom they are entrusted; but, in our opinion the difficulty of safe guarding those interests ought not to stand in the way of a speedy Revision of the Treaties, such as shall be both just in principle, and a generous acknowledgement on the part of foreign nations of the real progress Japan has made since the present Treaties were framed.

Mr Osborn

No. 171.

DEPARTMENT OF STATE
NOV 28 1890
RECEIVED.

DIPLOMATIC BUREAU
DEC 1 1890

Legation of the United States.
Tokio, Japan, Oct. 31, 1890.

TO ASSISTANT SECRETARY.
Refer by subject, with Nos 169, 170 and 172, and file.
DEC 1 1890

Various

Mr. Dwight
To the Secretary of State.

Subject:
Views of American Missionaries on Treaty Revision.

Synopsis:
Interviews with three leading missionaries - Their disclaim of material interest - Their private views - As a class desire to satisfy the Japanese.

No. 171.

Legation of the United States,
Tokio, Japan, Oct. 31, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that I have within the last few days made special calls upon several prominent and leading United States citizens connected with missionary work in Japan for the purpose of sounding them and ascertaining as far as possible not only their own but the opinion and wishes of American missionaries generally upon the question of treaty revision as considered in

connection

connection with the abolition of extraterritoriality.

Amongst those upon whom I called I will mention by name Rev. G. W. Knox, Rev. J. Soper and Rev. W. Imbrie, all of whom have been long resident in the country, the last named being the gentleman who was assaulted by certain unruly students at the University baseball grounds on the 17th of May last in an affair which attracted considerable attention at the time.

Without undertaking to give the precise language of anybody, I found a substantial unanimity of opinion in favor of satisfying the demands of Japan as to a restoration of her jurisdictional autonomy

autonomy. All the gentlemen above mentioned, to the best of my recollection, took care to disclaim either the intention or the right to use their influence in such way as to force treaty revision on any terms against the interests or even the wishes of the commercial and business community of foreigners settled in Japan. They said in substance "our calling is one "which forbids our doing such a "thing. We are Christian mission= "aries and as such undertake to "face dangers that are likely to "compel ordinary commercial and "business enterprises to succumb. "We do not enquire whether the "country we seek to reside in for

"our

"our work is safe for the investment
"of capital or whether foreigners
"would reside in it under ordinary
"natures. Our natures are not
"commercial or business natures
"and consequently our opinions are
"not moved by commercial or
"business reasons. It is not there-
"fore, for us to say under what
"conditions merchants and business
"men are to reside in Japan; and
"we distinctly disclaim such a
"purpose. But if you ask us
"what we want we answer without
"hesitation that we favor giving
"satisfaction to Japan in her demands
"though such demands be the
"absolute and unconditional abol-
"ition of consular jurisdiction."

"Speaking

"Speaking for myself," said one of the gentlemen, "Mr. Knox," I am per-
"fectly willing to come wholly
"under Japanese law now and at
"once." All of them gave me to
distinctly to understand that in
their opinions (and this they
assured me was the opinion of most
American missionaries), considering
the present state of feeling pervading
all classes of Japanese, the sooner
extraterritoriality is abolished the
better it will be for both foreigners
and natives, as it will put an end
to an agitation that is certainly
exasperating to a degree and which,
if continued, may become dangerous.
That as a matter of personal
safety to foreigners in Japan, it

seemed

seemed to be their opinion, that it is safer to go forward and give up consular jurisdiction, out and out, and be done with it than to remain in the present condition for any considerable length of time.

I think, from all I have heard, that the American missionaries in Japan as a class desire early and prompt treaty revision with the abandonment of extraterritoriality to the extent Japan may demand; and that while some accept it as a choice of evils many, perhaps a majority, favor it as a matter of wise, prudent and just policy, under existing circumstances.

I have the honor to be,
Sir,
Your obedient servant,

John F. Swift

DEPARTMENT OF STATE
NOV 28 1890
RECEIVED.

Mr Criolo

DIPLOMATIC BUREAU.
DEC 17 1890

No. 172. ans 26 Dec

2d ASSISTANT SECRETARY.
Ack by subject, with Nos 169, 170 and 171, and file.
DEC 1 1890 aa

Legation of the United States.

Tokio Japan, November 1. 1890.

Mr. Swift. ans 26 Dec

To the Secretary of State

Subject:

Tariff autonomy in Japan.
United opposition to it by local English press.

No. 172.

Legation of the United States.
Tokio Japan, November 1, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

Recalling your attention to my despatch No. 40, dated August 26, 1889, you will find that I commented upon what seemed to me, the somewhat sentimental turn the treaty revision question had taken in Japan, Especially in subordinating the more important matter of fiscal autonomy to what seemed to me the less important one of Extra-territoriality and Consular jurisdiction. I also pointed out to

You

you that the English news-papers at Yokohama, though differing widely on matters affecting the interests of Japan generally, invariably agreed when British interests were concerned, and that any Effort looking to a possible increase of Customs duties, would very apt to unite them in a common protest.

It seems that just now there is arising in Japan, a feeling that the right to fiscal autonomy is of paramount importance, a natural feeling when it is remembered how heavily the agricultural interests are burdened and considering the relatively very small amount of revenue which is derived from foreign trade. It is manifest if this feeling is allowed to spread that it may jeopardize the plan which the European powers, with Great Britain

in

in the lead have so adroitly arranged to have a satisfactory tariff fixed for twelve years with all sorts of advantageous possibilities at the end of that time.

The treaties as now agreed upon (for - the tariff clauses seem to be settled) provide for a fixed rate upon European goods, averaging somewhere from six to eight per cent ad valorem to last for twelve years. Nothing is said in the treaties about what is to happen after that. Of course if things go on as smoothly in this country for the next twelve years as they have for the last, it is quite possible that Japan may be allowed by the European commercial powers to gently add to the duties, bringing them up to some point where trade will not be materially interfered with

with, of which they would be sure to make themselves the judges. But suppose a trouble comes, internal or external, and the End of that period finds Japan in some complication, foreign or domestic, is it probable that Manchester and Birmingham to say nothing of the great Manufacturing interests of Germany, would permit themselves to be hampered in their trade?

I doubt it.

But I write this not to go over ground fully covered in former despatches, but to call your attention to the Examples enclosed herewith, from English news-papers, the "Mail" and the "Herald" which, I think, fully confirm what I said in my No. 40 above referred to.

These journals are both conducted with great ability and are a credit to the

journalism

journalism of this part of the world. They are violently opposed to each other in the treatment of most Japanese subjects, in fact, metaphorically speaking, are at daggers drawn, but you will perceive by the articles enclosed that the two papers agree entirely in standing by the usual opinion on the advantages of free trade held in Great Britain but, to say the least, not so generally held in the United States. They are both equally anxious to prevent Japan from doing anything that may add to the restrictions on British trade. Time they both, no doubt in perfect conscience and good faith, claim to be actuated solely by a desire to do good to Japan. They unite in offering advice to Japan, and the same advice. In substance they say. First: The Customs tariff fixed in the treaties to run twelve years

plans, as is understood to be the present scheme, is in itself complete tariff autonomy.

Second: No country except the United States exercises complete tariff autonomy. All others are bound up with re ciprocal treaties that restrain their sovereign powers.

Thirdly: It is a good thing that they are so restrained, for, any way, tariff autonomy is a bad and dangerous thing for a country to have &c. &c.

Tam these things are not contended for in express terms, but by fair inference.

I have the honor to be

Sir,

Your obedient servant.

John T. Swift

Enclosure:

Clippings from the "Japan Mail" and the "Japan Herald" of October 27. 1890

Enclosure with Mr Swift's No. 172

The Japan Daily Mail.

YOKOHAMA, MONDAY, OCTOBER 27, 1890.

REMARKABLE OPINIONS.

THE *Daido Shimbun* having now been recognised as an organ of the Constitutional Liberals, its utterances deserve consideration. But, on the other hand, they ought to be correspondingly considered before publication. Last year this newspaper made itself conspicuous by its opposition to Count OKUMA'S proposals. We greatly differed from the views taken by it then, but inasmuch as they have received the *cachet* of success, we should not comment on their repetition now if only a moderate degree of discrimination were displayed in advancing them. But in truth the *Daido Shimbun* exceeds the bounds of ordinary sense when it declares that the projects of employing aliens in the capacity of Japanese judges and permitting foreigners to own land in Japan were insulting to the national dignity (*Kokken wo keibetsu suru*). As to the judge question, it is useless now to raise any discussion, but with what pretence of reason can it be asserted that a privilege granted by Great Britain to foreigners would, if similarly granted by Japan, be an insult to the national dignity? It is true that in some of the British colonies the tenure of land by foreigners is subjected to various restrictions, and that in the United States of America and other Western countries the privilege is withheld altogether. It is also true that England herself did not depart from her conservative attitude in this respect until 1870. Still the fact remains that a foreigner may purchase land in Great Britain to-day. Liberality of such a nature has nothing whatever to do with the dignity of the nation. To imagine that it has is purely morbid sentimentality. We ought not, perhaps, to be surprised that the *Daido Shimbun*, having shown itself the victim of so strange a phantasy in one instance, should be equally unreasonable in another. Yet the comments which it proceeds to make about Tariff Autonomy are even more superficial than its ideas about the ownership of land. The one feature to be regretted, it says, in the new scheme of revision is that Tariff Autonomy is not recovered. Foreigners, it continues, think only of gain. "To allow them to trade and travel in the interior before Japan recovers her Tariff Autonomy, would be like placing the keys of the house in the hands of men who come to rob it. If only Tariff Autonomy be recovered, we do not object to the opening of the country; but if it is not to be recovered, better break off the negotiations and devote ourselves to developing the national resources." Now we do not suppose for a moment that the *Daido Shimbun* desires to place frivolous obstructions in the path of Treaty Revision, but such writing can only have that effect. In point of fact Japan recovers her Tariff Autonomy fully and completely from the day on which the revised treaty is signed. So soon as foreign States make a covenant with her agreeing that certain duties shall be levied on their imports for a fixed term of years, they put their hands to an instrument recognising her Tariff Autonomy in the most unequivocal manner. Precisely similar covenants are made constantly between the Great Powers of the Occident. Indeed there is scarcely a Western country, the United States of America excepted, that enjoys absolute Tariff Autonomy in the sense contemplated by the *Daido Shimbun*. All are bound by conventions, and have no more liberty to impose duties at will on one another's imports than Japan has under the present Treaties. When Japan revises her Treaties, and signs a new tariff convention operative for a fixed term of years, the bargain will not be binding on her alone: it will be equally binding on the other high contracting parties, since they, in return, will pledge themselves to admit her goods too under conventional tariffs. If such a covenant impairs her Tariff Autonomy, it impairs their's also to an exactly similar extent. As to the other phase of the question, the strange misconception of our contemporary that the wealth-getting eagerness of foreigners would make them dangerous denizens of the country unless Japan could exercise the right of altering her customs dues at will, we really fail to apprehend the connexion of ideas. Has the *Daido Shimbun* considered who they are that pay import duties? Certainly not foreign importers or manufacturers. Such a tax upon trade comes entirely out of the pocket of the Japanese consumer. It simply means that he has to pay so much more for his yarns and piece-goods. The only interest foreigners have in the matter is that burdens laid upon trade tend to cramp its development, and that the expansion of Japan's commerce may be

checked if tariff rates are largely increased. That, we presume, is a contingency in which the Japanese themselves are at least as much concerned as foreigners. It is equally in the interests of both sides that the trade of the country should grow and prosper. The rôle becoming a sensible and patriotic journal is to encourage the diminution of all taxes upon trade, instead of seeking to foment a spurious agitation in favour of crippling the country's resources. If Japan's foreign commerce were strangled in its cradle, or stunted in its now promising growth, who would be the chief sufferer—Japan herself, or the various Powers among whom this trade, infinitesimal in comparison with their own, is divided? Can it be possible that, every reasonable prop having been knocked from under their feet, party politicians are about to raise a new edifice of obstruction on the chimera of Tariff Autonomy?

The Japan Daily Herald.

MONDAY, 27TH OCTOBER, 1890.

Enclosure with Mr Griffis's No. 172

It is strange that Japanese journals cannot understand that the fact of a country agreeing to a tariff convention does not deprive her of Tariff Autonomy. There have been commercial treaties made over and over again by the different states of Europe, agreeing that for a fixed term of years only a certain rate of duties should be charged on each other's products, witness the celebratad commercial treaty negotiated by Mr. CORDEN with France. Until these treaties expire by effluxion of time, the countries so mutually bound together cannot increase the duties so provided, but it is absurd to say that these states are deprived of their Tariff Autonomy. One might equally say that a man who has leased a house to another, is deprived of his rights of managing his property. The mere fact that Japan enters into such a convention is a proof that she has the right to fix her tariff as she likes, inasmuch as she enters into it voluntarily, and any Foreign power with whom she contracts these obligations acknowledges those rights by entering into a mutual agreement with her. The entering into such a tariff convention presupposes the rights of each country to fix its own tariff as it pleases, subject of course to any mutual arrangements made. The Japanese papers, for purposes of their own, persist in pretending to believe that such a thing is an insult to Japan. They might just as well say that any treaty entered into is an equal insult. The most amusing part is, however, to find the *Japan Mail* inculcating free-trade doctrines, and pointing out that all import duties come out of the pockets of the Japanese consumers, and that the only interest foreigners have in the question is that the higher the duties the more the Japanese has to pay and the more trade is hampered. It is not often that words of equal wisdom appear in that paper, and both the newspapers and the rulers of the country would do well to bear it in mind. Another strange thing is, that it appears to have at last dawned upon our morning contemporary that all Japanese are not in favor of the treaty revision. It has so long treated this view of the case as absurd, and only ventilated for their own purposes by wicked writers in this journal, that it does not like to own up to the fact, but it puts it hypothetically in its issue of this morning. After noting that the *Daido Shimbun* is now the recognised organ of the Constitutional Liberals, and noting that its opposition to Count OKUMA's treaties, last year, was crowned with success, it proceeds to argue against that paper's views, but it winds up by propounding the following query:—"Can it be possible that, every reasonable prop having been knocked from under their feet, party politicians are about to raise a new edifice of obstruction on the chimera of Tariff Autonomy?" Not being in the secrets of the Liberal party, we are unable to answer this, but should not be surprised if this turned out to be the case, but whether or not this be so, the mere fact that the question has been publicly asked, only proves that Treaty Revision is not viewed with satisfaction by every one in Japan.

Reichsbofer

DEPARTMENT OF STATE
NOV 28 1890
RECEIVED.

DIPLOMATIC BUREAU.
DEC 1 1890

No. 173.

Legation of the United States.
Tokio Japan. November 3. 1890

Mr. Swift:

To the Secretary of State.

Subject:

Duplicate Statement of account for rent of old Legation premises in Tsukiji Tokio from March 15. to May 13. 1890.

No. 173.

Legation of the United States.
Tokio Japan. November 3, 1890.

Hon James G. Blaine
Secretary of State.
Washington D.C.

Sir

I have the honor to enclose, herewith, a duplicate statement of my account, with vouchers, for the rent of the old Legation premises at No 1. Tsukiji, Tokio, from March 16, 1890. to May 12, 1890, both inclusive

I have the honor to be
Sir.
Your obedient servant:
John F. Swift

Enclosure:
Duplicate Statement of account as above.

DEPARTMENT OF STATE
NOV 28 1890
RECEIVED.

DIPLOMATIC BUREAU
DEC 1 1890

Legation of the United States.
Tokio, Japan, November 4, 1890.

Mr. Gardiner
To the Secretary of State.

Subject:—
Duplicate Statements of Account.

Legation of the United States.
Tokio, Japan, Nov. 4, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith duplicate statements of my Salary and Loss by Exchange Accounts for the quarter ended September 30, 1890.

I have the honor to be,
Sir,
Your obedient servant,
W. P. Hardinge
Second Secretary of Legation

Enclosures:
Accounts as above.

RTMENT OF STATE
NOV 28 1890
RECEIVED.

DIPLOMATIC BUREAU.
DEC 1 1890

United States Legation
Tōkyō, Japan, November 4th 1890

W. N. Whitney, Interpreter

to the Secretary of State

Subject

Transmitting Duplicate Statement of account for Loss by Exchange for the Quarter ended September 30th 1890.

United States Legation

Tokyō Japan. November 4th 1890.

Hon. Jas. G. Blaine,

Secretary of State,

Washington.

Sir:

Herewith I have the honor to enclose my duplicate statement of account for loss by exchange for the quarter ended September 30th last, the original statement of which was sent to the Department on the 4th ultimo.

I have the honor to be,

Sir,

Your obedient servant

Willis Norton Whitney

Interpreter of Legation

Enclosure: Duplicate statement of account for Loss by Exchange for the quarter ended Sept 30th 1890.

DEPARTMENT OF STATE
NOV 28 1890
RECEIVED.

DIPLOMATIC BUREAU.
DEC 1 1890

United States Legation
Tōkyō, November 4th 1890.

W. N. Whitney, Interpreter of Legation

to the Secretary of State

Subject:

Transmitting duplicate Statement of Salary account for the quarter ended September 30th 1890.

United States Legation.

Tōkyō, Japan, November 4th 1890.

Hon. Jas. G. Blaine,

Secretary of State,

Washington

Sir:

Herewith I have the honor to enclose my duplicate statement of account for salary for the quarter ended September 30th last, the original of which was sent to the Department on the 4th ultimo.

I have the honor to be,

Sir,

Your obedient servant

Willis Norton Whitney

Interpreter of Legation

Enclosure. Duplicate Statement of Salary Account for quarter ended September 30th 1890.

No. 174.

2d ASSISTANT SECRETARY
Comply as far as practicable -
DEC 4 1890

Mr Curtis
5 Dec

DEPARTMENT OF ST
DEC 2 18
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DIPLOMATIC BUREAU.
DEC 4 1890

Legation of the United States,
Tokio, Japan, Nov. 10, 1890.

Mr. Swift
to
The Secretary of State.

Requisition for Mr Griffis for the sheets of paper - See st. 96 Dec 1890

Subject:
Requisition for New Coat-of-Arms.

No. 174.

Legation of the United States,
Tokio, Japan, Nov. 10, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

The coat-of-arms hitherto kept at the entrance to the Legation is so much defaced by time and the weather as to be out of keeping with the place. It is my desire to place one over the main gate for which a larger size would be desirable than the one now here

I have the honor to request that the Department will forward as large a one as they have on hand,

for

for the gate, and, if it is not asking too much, would say that a small one to replace the defaced one now over the entrance to the Chancery would materially add to the appearance of the Legation.

I have the honor to be,
Sir,
Your obedient Servant,
John F. Swift

DIPLOMATIC BUREAU.
DEC 15 1890

DEPARTMENT OF STATE
DEC 15 1890
RECEIVED.

Mr Crider

DIPLOMATIC BUREAU.
DEC 1890

Legation of the United States.
Tokio Japan. Nov. 11. 1890.

Mr Dun.

To the Secretary of State.

Subject:

Duplicate accounts for the quarter
Ended September 30, 1890

Legation of the United States.
Tokio Japan, Nov. 11. 1890.

Hon. James G. Blaine.
Secretary of State.
Washington D.C.

Sir:

I have the honor to enclose herewith duplicate statements of my accounts for salary and for loss by Exchange for the quarter Ended September 30, 1890.

I have the honor to be
Sir,
Your obedient-servant-
Edwin Dun
Secretary of Legation.

Enclosures:

Duplicate statements of accounts, as above.

Recd by No Hall

DIPLOMATIC BUREAU

DEC 15 1890

Gus Crosby

DEPARTMENT OF STATE
DEC 15 1890
RECEIVED.

No. 175

Legation of the United States.
Tokio Japan, Nov. 19, 1890.

Mr. Swift.
To the Secretary of State.

Subject:
Receipt of instructions.

No. 175.

Legation of the United States.
Tokio Japan, Nov. 19. 1890.

Hon. James G. Blaine,
Secretary of State.
Washington D.C.

Sir:

I have the honor to acknowledge the receipt of your instructions numbered respectively from 86 to 107, both inclusive, and Circular instruction dated October 7, 1890.

I have the honor to be
Sir,
Your obedient servant.
John F. Swift

Oct 25. 1890.
Griffin

Acct by No Yoke. Hay
will go there in January

DEPARTMENT OF STATE
DEC 15 1890
RECEIVED.

DIPLOMATIC BUREAU
DEC 15 1890

176.

Sir Creator

Legation of the United States
Tokio Japan, Nov. 19. 1890.

Mr Swift:
To the Secretary of State.

Subject:
Accompaniments referred to in
circular instruction dated October 7.
1890, not received

No 176.

Legation of the United States,
Tokio Japan. November 19. 1890.

Hon. James G. Blaine.
Secretary of State.
Washington D.C.

Sir:

I have the honor to report that the two copies of the report of the International Marine Conference, which you informed me in your circular instruction dated October 7, 1890, would be transmitted to me, under separate cover, therewith, have not yet been received.

I have the honor to be
Sir.
Your obedient servant,
John F. Swift

DEPARTMENT OF STATE
DEC 15 1890
RECEIVED.

DIPLOMATIC BUREAU
DEC 15 1890

No. 177. Dec. 16. 1890

Mr Cridler

Copy to Secretary

Legation of the United States.
Tokio Japan, November 19. 1890.

Mr. Swift:

See Letter to Mr Hubbard Dec Mr. 9

To the Secretary of State

Ans 26 Dec

Subject:

Transmitting watch and chain presented to Ex-Minister Hubbard by American residents in Japan

No. 177.

Legation of the United States,
Tokio Japan, November 19. 1890.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir:

In reply to your instruction No. 105, dated October 4. 1890, relating to the watch and chain presented by certain residents of Japan to Mr. Hubbard of Tyler Texas, late Minister of the United States at Tokio, suggesting that the letter of that gentleman to the department of State indicate that I have information as to the donors, and instructing me

to

to forward the articles to the Department through the dispatch service, accompanied by a communication relating thereto, I have the honor to forward herewith, under separate cover, the watch and chain as instructed.

In respect to my information as to the donors, it has been a matter of public notoriety that the friends of Mr Hubbard have been raising subscriptions for the purpose of buying and presenting him a watch and chain. That between 500. and 600. silver yen had been raised for this purpose and recently that the articles had been purchased and had arrived at Yokohama from

from Switzerland where the articles were made. In accordance with your instructions I, at once, notified the committee having the matter in charge of my instructions to forward the watch and chain by the despatch service and it was delivered to me this day by the agent of the Swiss house of Messrs Favre-Brandt of Yokohama for transmission.

Thinking that, possibly, the Department of State might want the estimate of sellers cost price in Switzerland, I put the proper question to this agent, who stated that it cost something over two thousand francs at Locle where it was made. While this was

<u>his</u>

his statement. I cannot help remarking that, judging from the style of the watch, the value is, most likely, greatly exaggerated as is apt to be the case with such gifts to public ~~men~~ men by admiring friends, that a close bargain has not been driven with the seller and that a very large profit has been made by somebody in the transaction. Of this however no doubt the Treasury Department will be able to judge better than I can. I should think, however, 750 to 1000. francs to be much nearer the mark. If the donors had been as prompt as they might have been, Mr Hubbard might

might

might have taken his watch with him on his person without paying any duties whatever, and even if full duty is to be exacted by the Treasury Department; from my Examination of the watch and chain I cannot help thinking that if this watch is valued at 500. francs in Local the United States Government will get all the duties it is entitled to on that article, and certainly the chain is, by no means, a high priced affair as can be seen at a glance. It is more than probable that the most valued part of the gift to the recipient will be the inscription

to.

to himself inside which does not fall within the dutiable provisions of the customs tariff.

In the monogram on the lid of the watch there appear to be two places intended for jewels which were, if so intended, unfilled when the watch was received by me.

I have the honor to be

Sir,

Your obedient servant,

James T. Swift

Accompaniment:

Gold watch and chain as above.

DIPLOMATIC BUREAU
DEPARTMENT OF STATE
DEC 15 1890
RECEIVED.
DIPLOMATIC BUREAU
DEC 18 1890
an 19 Dec

No. 178.

Legation of the United States.
Tokio, Japan, Nov. 20, 1890.

Mr. Dwight
To the Secretary of State.

Subject:
New Legation Premises.

Synopsis:

Occupancy of an Unused House on Legation Compound by Secretary and Interpreter. Reasons why and Recommendation that it should be Approved.

No. 178.

Legation of the United States,
Tokio, Japan, November 20, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

In my despatch No. 118, of date May 19th, 1890, I informed you that a portion of the new Legation premises, an old building of mixed Japanese and Foreign build, marked on the plat accompanying the lease as "J," was not turned over to me at the time the lease was signed owing to its being occupied. In fact, as I then mentioned to you, it was not taken into account in the original

negotiation

negotiation but was rather thrown into the bargain as of no considerable value.

I now have the honor to inform you that the entire premises, including said building "F" and appurtenances, have been delivered by the Imperial Japanese Government to me for the United States under the lease of May 19th., 1890, and that I am in full possession thereof.

The house "F", as will be seen from the plan, is situated inconveniently near the center of the grounds and ought to be moved to one side for the general benefit of the premises. This, should the government take over the property, I may recommend at some future time, as it would be

a

a most desirable thing to do. But as it now stands it is a rambling affair, one story in height, built at different times and so attached and scattered as to be easily divided into two tenements. This, with my consent and subject to your approval, has been done by Mr. Gardiner and Dr. Whitney who have moved into and occupied the tenements with their families. Up to the present time both of these gentlemen have been residing in different quarters of Tokio remote from the Legation, which circumstance has been at all times an inconvenience and occasionally a matter of anxiety if not actual alarm to them for the safety of their property from robbers as well as other

possible

possible dangers. It was specially desirable for various important reasons to have the married gentlemen connected with the Legation with their families in the Legation compound where under the protection of the flag, if not more secure they are certainly more at ease and feel better satisfied.

Mr. Dun, First Secretary, being an unmarried man, waived his claim to one of the tenements in favor of the married gentlemen and he is still living out of the Legation.

Distinct understandings with Mr. Gardiner and Dr. Whitney in the form of official letters addressed to myself by each of them on his own behalf are on file in the archives of the Legation, copies of which I herewith

herewith enclose, showing the exact conditions under which they have been allowed to have and hold possession.

With the approval of the Department of State the building thus divided into two parts and kept where it now stands, or better even if removed to a more convenient part of the grounds, will be sufficient to accommodate for a long time to come two of the Secretaries and their families. And should a third or even a fourth or more buildings be desirable from time to time, there is ample ground upon which to build them, assuming that Congress makes the appropriation, as I hope it will,

of

of ¥30,000 Japanese yen, so that the same may become the property of the United States.

While taking care to remind Mr. Gardiner and Dr. Whitney that in occupying the tenements "I" they must do so subject to the final approval and orders of the Department of State, yet I also gave them to understand that I would recommend that for the benefit of the service they be permitted to do so without the payment of rent or other charge. This I now have the honor to do in the most sincere and earnest manner on the following grounds. First, comfortable buildings suitable for foreigners to inhabit, are

please

scarce and very expensive in Tokio. If these gentlemen reside outside of the Legation they must, as they have done, live at a great distance from it. The anxieties attending such a residence are considerable. The dangers are not trifling. The expense of travel back and forth is a serious charge to the Secretary and the loss of time and necessary absence from the Legation a material detriment to the service.

Second, the expense of living in Tokio as Americans and Europeans live, is greater than in either Europe or America. In my own case I may mention that up to this time I have been unable to live within my salary, though it is my intention

intention so to do, and I have a reasonable expectation that after getting thoroughly settled I shall be able to so reduce my expenditure within the next year or two as to come out even. But this will be all that I can do and even then I shall hardly have kept the dignity of the Legation up to a full equality with the hospitable position taken by some of my colleagues representing great European States.

As for the Secretaries of Legation, their salaries are so low in comparison with the necessary expense of living in the capital that I am perfectly sure that it will be only by the most rigid

rigid economy that either of them will be able, when they give place to their successors to pay up and leave the country free from debt without drawing upon funds not received from the government they have been serving.

Finally, it is, I believe, true that the United States Secretaries of Legation at Peking occupy buildings in the compound the rent of which is paid for out of the general appropriation by Congress. There is more necessity for it here than there, as the expense of living, as I am well aware from personal experience, having lived in both places, is very much greater in Tokio than in Peking.

With

With this explanation I submit my action for your approval.

I have the honor to be,
Sir,
Your obedient servant,
John F. Lacy

Enclosures:
1. Mr. Gardiner to Mr. Lacy, Nov. 17, 1890
1. Dr. Whitney " " " " 5, "

Enclosure 1 with Mr. Swift's No. 178.

(Copy)

Legation of the United States,

Tokio, Japan, November 17, 1890.

His Excellency

JOHN F. SWIFT,

Envoy Extraordinary and Minister Plenipotentiary of the United States.

Sir:

Having lately occupied the part of the building marked "f" on the plat attached to the formal lease of the United States Legation premises which is built after the European fashion, by and with your kindly consent and the acquiescence of Mr. Dun, the Secretary of Legation, to whose position the use of the house naturally accrues, I have the honor to submit for your approval the following statement of the conditions of my occupancy of the premises.

First, it is subject to the conditions of the original lease for the whole premises now on file at the Legation.

Second, it is always subject to the direction of your Excellency or other representative of the United States for the time being.

Third, it is subject to the consent of the First Secretary who may at any time, with the approval of the Minister, call for possession of the house; and

Fourth, if such possession is called for, as the premises now stand, I am entitled, with your Excellency's approval or that of the United States representative for the time being,

to

to make a similar demand of the occupant of the part of the same building fashioned after the Japanese style.

I have the honor to be,

Sir,

Your obedient servant,

W. R. GARDINER Jr.,

Second Secretary of Legation.

Enclosure 2 with Mr. Swift's No. 178.

(Copy)

United States Legation,

Tokyo, November 5th, 1890.

Hon. John F. Swift,

Envoy Extraordinary and Minister Plenipotentiary

of the United States.

Sir:

Having by your verbal consent moved into and occupied with my family a portion of the Legation premises at Yenokizakamachi, I now have the honor to acknowledge and agree to the conditions under which your consent was given and my occupancy permitted, in order that the same may go upon the records of the United States Government.

First, I am to occupy said premises as they stood at the time of my entry without making any changes, repairs or improvements. That any slight alterations I may find it --- agreeable to make for my own convenience will be subject to your consent and will be of trifling and inexpensive character, to be paid for myself, and will under no circumstances be made the basis of any claim or allowance from any person whomsoever.

I am to occupy said premises subject at all times to the terms of the principal lease from the Imperial Government to the United States; also that I am to follow and obey the directions of the Minister or other representative of the United States for the time being and that I am to quit and deliver up the same whenever he may direct as well as obey any order he may give with respect to said premises whether ---

general

general or special.

I am to occupy the place with the distinct understanding that should the First Secretary of Legation at any time see fit to move into one of the houses in the Legation grounds and the Second Secretary require the house occupied by me, I will at once give up the house and move out if required to do so.

I also understand that my occupancy is subject to the approval of the Department of State and that I will promptly obey any order, instruction or regulation made by said authority. That if rent be required for said premises by said Department, I will pay the same when notified to that effect.

That while occupying said premises I will at my own expense keep the same in repair till such time as the government shall order and provide for some other arrangement.

I have the honor to be,

Sir,

Your obedient servant,

WILLIS NORTON WHITNEY,

Interpreter of Legation.

No. 179.

DEPARTMENT OF STATE
DEC 26 1890
RECEIVED.

Legation of the United States,
Tokio, Japan, December 1, 1890.

DIPLOMATIC BUREAU.
DEC 29 1890

Mr. Dwight
To the Secretary of State.

Subject:
Photographic Views of Legation Premises.

No. 179.

Legation of the United States,
Tokio, Japan, December 1, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to transmit herewith a set consisting of four photographic views of the Legation House and grounds.

Referring to your instruction dated June 19th., 1890. No. 84, in which you inform me that Congress will be recommended to make an appropriation of thirty thousand Japanese yen for the buildings, under the understanding with the Imperial

Government

Government of May 15, 1890, I have deemed it proper to have these views taken for the information of the Department of State as well as of any Congressional Committee having the matter under consideration.

I have also taken the liberty of charging the expense of the photographs to the contingent fund and have the honor to request your approval thereof under the circumstances.

I have the honor to be,
Sir,
Your obedient servant,

John F. Lovejoy

Enclosures:
Photographs as above, under separate cover.

Mr Cridler
Ack: full,
Dec 29/90
Wk 60

DEPARTMENT OF STATE
DEC 26 1890
RECEIVED.

No. 180.

Legation of the United States,
Tokio, Japan, December 2, 1890.

Ans
30 Dec

Mr. Knight
To the Secretary of State.

Subject:
Attack on the Ladies of the Russian Legation.

Synopsis:
Position taken by ladies, to meet Imperial procession, elevated above the Emperor. - Cause in their dress offended and hurt stones at the special offenders. - Probably due to inferior position accorded women by Japanese.

No. 180.

Legation of the United States,
Tokio, Japan, December 2, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

In the performance of my duty to bring to your knowledge such facts as tend to show the actual condition of Japan at this time, it is proper to mention for what it is worth that on the occasion of the formal opening of the Diet by the Emperor on the 29th ultimo, the harmony of the affair was disturbed by an incident the details of which are given with sufficient accuracy in the Japan Mail of October 1st., a copy of which is

Inclosed

enclosed.

In considering the regrettable occurrence these related it is to be remembered that in the popular mind the idea in Japan, as in China, has existed from time immemorial that in the august presence of the Emperor all beneath him in dignity must abase themselves in the dust. To look down upon him from an inferior, as the upper windows of a house or from a mounted position on horseback or even an erect position on foot, was in the olden time under no circumstances permitted. In fact, until quite recently in Japan, as is still the case in China, the houses along the street or road through which the Emperor passes must be rigidly closed and the occupants

cut off. Though this is no longer the law of Japan, nevertheless there is little reason to doubt that the notion to look at the Emperor from a superior or even an equal height is insulting to his dignity still lingers in the minds of the great mass of Japanese people.

What actually occurred on the 29th. seems to be this: The ladies and children of the Russian Legation had taken places in an elevated tiers or summer-house the floor of which was on a level with the top of the wall, from which they could look down upon the street and in which they were actually seated and viewing the Imperial cortège as it passed along on its way to the Diet chambers.

Soon

Soon after the Emperor had got by certain persons in the street below, assuming that the conduct of the ladies had been derogatory to His Imperial Majesty, threw stones at them, striking but not injuring some of the ladies, and drove them out of the place. Of course this was easily done, since the ladies took flight at the first shower of stones. But while this was going on, certain Japanese servants of the Legation who were looking over the wall, returned the fire of stones, following that up by tearing up and throwing down on at them the tiles that formed the roof of the shed. The crowd, after flinging stones and tiling for a time at the servants

servants and into the Legation made a rush at the gate but were stopped by the police, a considerable force of which had in the mean time been brought inside the premises. That a certain number of Japanese would take offense at the elevated position assumed by the ladies in viewing the cortége was perhaps to have been expected. Yet the extraordinary care that had been taken to make the ceremony and its accessories to conform as nearly as possible to European custom in such matters, the costumes of the Emperor and his following, the ~~costumes~~ and accoutrements of the soldiers, guards and outriders, the style of the horses, harness and carriages being all copied

copied strictly from European models, taken together was quite sufficient to justify European observers of the spectacle in thinking that they could behave themselves as they might be expected to do without incurring ridicule similar display in Europe or any western country. But the readiness with which the mob proceeded to hurl stones at a party of women and children while unaccompanied by men is a circumstance that must attract the attention and cause considerable reflection in the part of people brought up under western teachings. And it is especially worthy of note that the vernacular press in commenting upon the affair had invariably treated

treated the stone-throwing as having been provoked by the conduct of the ladies and in no instance, to my knowledge, has the action of the stone-throwers been condemned. The Kaya Shimbun, a Japanese journal of the highest character, heads an article relating the affair with characters that are translated as "An Insolent (or Insulting) Person." The person referred to in the head-lines as an "insolent person" is the wife of the Russian Minister and the insult was the fact of her looking down from the wall at the carriage of His Imperial Majesty as it passed the Legation.

The tone of the other native papers is similar. You will observe that the

Japan.

Japan Mail (copy enclosed) characterizes the conduct of the parties who threw stones upon women and children as "betraying ignorance of "the fundamental instincts of civilization."

A leading Japanese journal comment-ing on the article in the Mail indignantly inquires if it is "possible "that the so-called civilization of Europe "and America can teach women and "children to be above and superior to "the sovereign ruler of the country"? And seems to think that the question is unanswerable and decisive of the case. In fact it would almost seem that the crowd was more incensed at the ladies who were looking down from the wall than at the

Observers

absence had been men. Indeed it seems not unlikely in view of the Japanese idea of the just position of women, that the mob regarded the apparent fearlessness of these ladies by reason of their sex as peculiarly marred and deserving of prompt retribution.

There is reason for thinking that the stones thrown at the ladies were small and intended not so much to injure as to attest the indignation of the thrower and at the same time to force the ladies out of the position they had assumed and compel them to retire.

I have only met since coming to Japan had stones thrown at me and I am now reminded that on that occasion I was driving in an open carriage

And

and accompanied by the ladies of the Legation. For some reason which I cannot account for, unless the theory of the position of women be true, the anti-foreign feeling, at least here in Paris, is specially apt to be visited upon ladies by some mark of indignity.

Within the last three months a man offered to spit upon and actually did spit in the direction of Mrs. Swift while she was driving in her carriage along the street, the act being evidently intended to testify to his personal opinions.

Another foreign lady of high position, whose name I am not at liberty to give, has had rotten potatoes and garbage flung at her. Dr. Whitney, Interpreter of this Legation, was recently spit at by a

a soldier while passing; and Sir Edwin Arnold, the English poet, as he told me yesterday, was recently struck in the back by a stone thrown at him while quietly walking in the street. The throwing of stones at foreigners is of frequent occurrence, but to the best of my belief is usually done by urchins and small boys. I have not had any instance called to my attention of such an act, except in the case of the Russian Legation on the 29th ult.

I mention these things to you under a sense of duty, yet with considerable fear that, not being upon the spot, you may draw from them an exaggerated notion of the extent and character of the anti-foreign feeling,

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a certain amount of which undoubtedly does exist in Japan. I must therefore caution you that nothing I have observed or undergone has materially changed my views or modified the opinions heretofore expressed by me in former despatches as to the universal courteous bearing, the humane disposition, amiability, kindness and obedience to authority of the great mass of people of this country, of all classes. And especially I wish to say that my respect for and confidence in the Imperial Japanese Government, its officials high and low, of all in authority, as well as the educated and travelled classes generally, has not been in the least impaired,

but

but has been rather ~~strengthened~~ by closer and more intimate acquaintance with them.

I have the honor to be,
Sir,
Your obedient servant,
John T. Boyle

Enclosure:
Clipping from Japan Mail, Oct. 1, 1890.

The Japan Mail } Enclosure with Mr Griffis No. 180.
of December 1st 1890. }

DISGRACEFUL CONDUCT OF TOKYO STUDENTS.

An unfortunate occurrence marred the good order of the proceedings in the streets of Tokyo on Saturday. Steps had been taken by the police to stem the streams of traffic flowing towards the main routes along which the Imperial cortége should pass, the result being that large crowds, collecting in the streets thus closed, watched the procession from whatever points of vantage were accessible. This was the case notably in the streets leading from the Nagata and Kojimachi districts to the route between the Sakurada and Tora Gates. When, however, the Imperial cortége had entered the enclosure of the Diet, these crowds were suffered to pass, and it immediately became an object with them to hasten forward so as to witness the exit of the cortége from the Diet. In this effort the Kojimachi crowd, hurrying southwards, impinged upon the Nagatacho crowd, pushing eastwards, and a struggle of some violence ensued at the entrance of the street by which both sought access to the precincts of the Diet. A corner of the Russian Legation enclosure abuts upon the road just at this point, and within the corner is a pavilion, raised some twelve or fourteen feet above the road. Several ladies and one or two children had seated themselves in the pavilion, thus commanding a full view of the Imperial cortége in its passage along the two streets which meet at this corner. When the collision between the two crowds occurred, the police, exerting themselves with remarkable forbearance and judgment, had almost succeeded in restoring order. But at that moment a band of students, coming from the direction of the Sakurada Gate, pushed violently forward, flourishing a towel tied to a stick, and uttering excited cries. It is impossible to say precisely what happened in the *melee* that followed. Certain it is, however, that first one stone, and then a shower of these missiles reached the pavilion in which the ladies were seated, fortunately injuring no one, but none the less capable of inflicting injury. The police are disposed to think that the stones may have been aimed at themselves, not at the inmates of the pavilion, but we find it impossible to credit such a theory, in view of the height of the pavilion above the road. There still survives among Japanese, especially among hot-headed youths, a notion that to look down from a window or any other artificial height upon the Sovereign as he passes, is an act of rudeness, and we have no doubt that these unruly students sought, by a volley of stones, to signify their resentment against a violation of Japanese ideas of propriety by the occupants of the pavilion. Probably the young roughs would have been satisfied with this exhibition of uncivilized methods. But it happened that some servants of the Legation had established themselves on the roof of a stable, also overlooking the street. These men, observing the stone throwing, immediately began to strip tiles from the roof and aim them at the students, who retaliated with energy. In a moment the disturbance assumed serious dimensions. The students attempted to rush the back gate of the Legation, but before they could effect an entry the police gained the upper hand and made several arrests. As to the injuries inflicted, we are unable to speak with certainty. A groom of the Russian Legation had his face gashed by a stone, and the vernacular press reports that several people in the street were wounded by tiles. The fracas between the students and the servants is, however, a secondary affair. Whatever may have been its nature or origin, it must be separated from the first act of the students in throwing stones at the ladies in the pavilion. Such an outrage is wholly intolerable. It betrays ignorance of the fundamental instinct of civilization that women and children should be at all times and under all circumstances secure against violence at the hands of men. Nothing could be more disgraceful to Japan. We presume that these youths were of the *soshi* class: the vernacular newspapers assert that they were. But the term *soshi* has come to be a convenient appellation for every semi-savage rough who imagines that he has a mission to set all things right by recourse to the methods of barbarians. If Japan is to retain anything of the reputation that her courtesy and kindliness have won for her, these public pests must be dealt with sternly and effectively. Should this last incident rouse the respectable citizens of Tokyo to a sense of the nuisance they are suffering to develop in their midst, we shall be disposed to welcome its occurrence. But unfortunately the reports contained in the Japanese newspapers are eminently calculated to obscure the truth, and to suggest that the blame primarily rests with the objects of the outrage. The tact and moderation invariably shown by Russia's Representatives in this country enable us to be sure that the act of a few youthful roughs will not be suffered to disturb the *entente* existing between the Russian Legation and the Japanese Foreign Office. But this very consideration renders it more intolerable that the wife of the Russiau Minister and her guests should have been subjected to such an insult, and that the facts should be misrepresented by any newspaper, however insignificant.

DEPARTMENT OF STATE
DEC 26 1890
RECEIVED.

DIPLOMATIC BUREAU.
DEC 29 1890

Ack pleasantly

No. 181

Wm Crosby ✓ Ans Dec 29

Legation of the United States.

Tokio Japan, December 3, 1890.

Mr Swift.

To the Secretary of State.

Subject:

Formal opening of the first Japanese Diet by the Emperor.

No. 181.

Legation of the United States,
Tokio Japan, December 3. 1890.

Hon. James G. Blaine,
Secretary of State.
Washington D.C.

Sir:

I have the honor to inform you that the Diet of Japan was formally opened by His Imperial Japanese Majesty in person on the 29th ultimo.

The proceedings on the interesting occasion of the first meeting of the Japanese Legislature under the Constitution, are so fully and clearly detailed in the "Japan Mail" of the 1st instant that I can add nothing to it but send you a clipping from that

that journal enclosed herewith.

I have the honor to be

Sir,

Your obedient servant.

John T. Swift

Enclosure in duplicate.

Clipping from the "Japan Mail"

of December 1st 1890.

Enclosure with Mr Griffis No. 18

The Japan Daily Mail.

Yokohama, Monday, December 1, 1890.

THE OPENING OF THE DIET.

THE official opening of the Diet took place on the 29th ultimo. There had apparently been some doubt as to the possibility of holding it on that day, and it was considered necessary that not only the election and nomination of the President and Vice-President of the Lower House, but also all arrangements relating to the organization of the Diet should be completed before the official ceremony. By the afternoon of the 27th, however, a definite prospect of putting everything into due order was discerned, and an extra of the *Official Gazette*, issued that evening, announced that His Majesty the EMPEROR would visit the Diet on the 29th, and deliver the first Imperial Message ever addressed by a Japanese Sovereign to a Constitntional Assembly. Various intimations had already been given as to the routine of the ceremony, and the persons who should have the honour of being present, so that the final announcement was of the briefest possible kind, not even containing any statement of the hour fixed for the great event. The latter point did not long remain in doubt. Before night the whole capital knew that the Imperial cortége would set out from the Palace at half-past ten in the forenoon, and the knowledge drew thousands in the streets from an early hour on the appointed day. The situation of the Diet offers exceptional facilities for purposes of isolation. Bounded on the south by one of the moats, on the north by the Hibiya Parade Ground, on the east and west by streets which debouch at one end on bridges crossing the moat, at the other on the Parade Ground, access from every direction can easily be cut off. Full advantage was taken of this on the 29th. Police notices appeared even before the day had been fixed, informing the public that traffic would be entirely suspended within the quarter where the Diet stands, from eight o'clock in the morning until the conclusion of the ceremony, and large forces of constables were stationed at various points to prevent intrusion. No crowd is so easy to control as a Japanese. Moreover, the only directions from which attempts to encroach were likely to be made could be foreseen. Had the Hibiya Parade-ground been accessible, it would doubtless have become the rendezvous for half the citizens of the capital, who from its spacious area might have watched the procession throughout the greater part of the route. But it was rigofously closed, and with the exception of one or two enterprising lads who contrived to climb to the top of some seaffolding and obtain a momentary view of the street before they were descried and summarily dislodged by the police, the immense rectangle occupied by the Parade Ground remained to the end witbout trespassers. The three directions from which a distant but commanding view might be obtained were the streets leading from the elevated districts of Nagatacho and Kojimachi. In these streets great masses of people assembled, and during a brief interval the police were obliged to make a demonstrative exercise of authority in order to establish the fact that no spectation might pass a line drawn twenty yards from the points where the streets join the main route leading to the Palace. Once convinced of the reality of this veto, the crowds resigned themselves placidly to the situation, aggregating in denser and denser masses at the limits of the police cordon as the morning wore on, but preserving always the quiet good humour and mutual courtesy seldom absent in any congregation of Japanese. The streams of regular traffic which usually flow towards Shimbashi and Kyobashi by the Hibiya routes being thus diverted, all the approaches to the Diet from the direction of the official quarter of the capital remained entirely unobstructed by vehicles of every description until nine o'clock, when the equipages of officers connected with the ceremony began to pass in considerable numbers. An interval of comparative quiet then ensued, but presently large bodies of troops, marching to the music of bugles, began to debouch upon Shibiya from various quarters. About five thousand men, in brigades from five to six hundred strong, were under arms. Preserving the order of march, four deep, they were marshalled so as form a solid fringe bordering the whole route of HIS MAJESTY'S return to the Palace. The route had, of course, been publicly announced beforehand. Emerging from the main gate of the Palace, the Imperlal cortége was to turn to the right, and crossing the moat by the Sakurada Gate, was to pass before the Foreign Office and finally enter the enclosure of the Diet by the gate of the House of Peers. Returning, it was to issue from the gate of the House of Representatives, and thence

proceeding by Uchisaiwai-cho, the westerly face of the Rokumeikan, the Hibiya Gate, and Yuraku-cho, was to pass by the Babasaki-mon to the outskirts of the Palace and re-enter by the Old Castle Gate. Half-past ten was the hour named for the departure of the cortége from the Palace, and by ten o'clock those privileged to be present at the ceremony were expected to take their places. Briefly speaking, these fortunate persons were officials of and above *Chokunin* rank, and wearers of Third Class or higher Japanese Orders, together with a very limited number of *Sonin* officials. The category included a few foreigners, but owing to the restricted space available the invitation list had to be reduced to the smallest possible demensions. Only ten representatives of the Japanese press were present, and writers for the foreign press did not amount to more than half of that number. From half-past nine the wisdom of the police arrangements became very apparent, for the stream of vehicles carrying the possessors of invitations became so thick that had the usual traffic been superadded great confusion must have ensued. Order was perfectly preserved, however, and as each carriage or *jinrikisha* deposited its occupants, constables or gendarmes led it to its appointed place and took care that it remained there. Very soon this current of equipages ceased, and the whole route remained in possession of the mounted police and of a line of constables stationed at regular intervals throughout. The EMPEROR, generally punctual, did not keep his faithful and curious subjects waiting long. Precisely at half-past ten the advanced guard of the cortége was called to attention and HIS MAJESTY took his seat in the State carriage. But as the procession moved at a slow foot pace, it did not enter the gates of the Diet until eleven o'clock. After the outriders and advanced guard, came three carriages in which were seated the Princes of the Blood who are of sufficient age to be qualified for membership of the House of Peers. Then followed a troop of lancers, and then the State Coach. Drawn by six handsomely caparisoned horses, their riders resplendent in gold lace, the appearance of the glittering equipage surmounted by its gilded phœnix, elicited bursts of cheering from the crowds packed in each of the streets debouching on the line of progress. But a Japanese crowd has not yet learned how to cheer in the open-lunged, vociferous fashion of Anglo-Saxon and Teutonic gatherings. There is still a certain hesitation to admit the politeness of this noisy foreign method, and still a little doubt as to whether the ears of the Sacred Sovereign should be assailed by the din of a clamourous mob. It must be confessed, too, that the Sovereign himself does not greatly encourage noisy or demonstrative greetings. HIS MAJESTY preserves much of the stately frigidity of Japan's old-time etiquette, and never seems an entirely fitting cynosure of public gaze or vulgar greeting. Partly uncertain, therefore, and partly awed, the populace limited its cheers and suffered the cortége to pass in a manner which to foreign observers seemed somewhat cold. In the State Coach, facing the EMPEROR, rode Marquis TOKUDAIJI, the Lord High Chamberlain, and after it came another body of cavalry preceding the carriages of the Minister President of State, the Lord Keeper of the Privy Seal, the President of the Privy Council and the Ministers of State, a strong body of lancers completing the cortége. At one minute past eleven HIS MAJESTY alighted within the enclosure of the Diet. He was received by the Presidents, Vice-Presidents, Chief Secretaries, and Secretaries of the two Houses, as well as by the members, and through the ranks of these future legislators he passed, escorted by Count ITO, President of the Upper House, to the Imperial Waiting Room, where an interval of fourteen minutes rest was taken to allow the members to marshal themselves in their places within the Chamber.

Meanwhile, inside the Parliament buildings there had by this time been gathered a great concourse of the notables of all degrees who were privileged to take part in or to witness the coming spectacle. By ten o'clock the commodious gallery surrounding three sides of the Chamber of the Upper House, where the ceremony of the day was to take place, was fairly though not greatly crowded with spectators, excepting only the Imperial box, and these next to it reserved for the Diplomatic Corps, which were not yet occupied. Of the four hundred or so of visitors thus collected, nearly all wore naval, military or civil uniforms, the dark-blue of which, with its more or less rich ornamentation of gold, had an effect fine in itself and well set-off by the quiet, subdued tints of the walls, woodwork, and draperies of the Chamber. The arrangements for the reception and distribution of the visitors left nothing to be desired. From the moment

of arrival each person was guided, without fuss or confusion, to his appointed position in the gallery, where the ranks of the groups of occupants of the several boxes were indicated by their distance, right or left, from the central Imperial compartment. Thus, there was one box, next to Royalty, for first-class *chokunin;* another, beyond, for Prefects; others for ex-Senators; another for second-class *chokunin*, and so on, the juniors being at the extremities of the side galleries. Of foreigners there were about twenty, those, namely, in Japanese employ, ranking, and placed, with second-class *chokunin*, and holding third-class decorations, and five or six representatives of the press. Below, the body of the House was empty. From the podium at the head of the Chamber, directly facing the Imperial box, the Presidential table had been removed, and at the back beneath the now raised curtains of the alcove provided for State occasions, was seen the throne from which the EMPEROR was soon to address the whole Diet. Some of the outer rows of the members' seats had also been removed, to provide standing room for the double assembly.

A few minutes before eleven, at the sound of trumpets without, heralding the EMPEROR'S approach, there was an instant hush of expectation. At the stroke of eleven the members of the Upper House, ushered by the Chief Secretary, began to file in slowly to their allotted places in the right-hard half of the concentric semicircles of seats facing the alcove. The Peers comprised three classes—hereditary, who wore the rich robes of their orders; those appointed from official life, who wore the uniform of their respective ranks; and those nominated from among the highest tax-payers, who were in evening dress. With them came the President, Count ITO, in full uniform, and wearing the wide crimson sash of the Grand Cross of the Pawlownia. He took his stand in front of his fellow members immediately below the balustrade of the podium. A few minutes later, the Upper House having all entered, the members of the House of Representatives flocked in from the opposite quarter, and massed themselves in the left-hand quadrant. There was more hurry and excitement in the movements of this half of the Legislature; and it was not a little interesting to find here, in this very first gathering together of Japan's first Diet, the same contrast between the eagerness of the Commons and the dignity and leisurely ease of the Lords that has been characteristic of such assemblies elsewhere since dual Parliaments began. Nor was this the only contrast on the present occasion. For, while the Commons were in sober evening dress, with the exception of two modest uniforms, the Lords, right abreast of them, were, as we have said, richly uniformed, with a sprinkling only of black coats. To the gravity under brilliant apparel in one half of the Chamber was juxtaposed a livelier demeanour under sombre garb in the other half. Next came the Diplomatic body filling the boxes reserved for them in the gallery. After them, the Cabinet and other dignitaries of Ministerial rank, headed by Count YAMAGATA, the Minister President of State. These entered from the right of the podium, and grouped themselves thereon at that side of the throne. Every one was now standing, and the whole assemblage remained wonderfully silent and still. At exactly a quarter past eleven, as the cannon began to salute and loud cheering was heard from without, the EMPEROR, preceded by the Chamberlains and high functionaries bearing the Imperial Regalia, and attended by the Imperial Princes and the Court, came in slowly and with great state from the left of the podium. Every head was bowed in homage, to which the Sovereign responded as he turned to take his stand before the throne. The Minister President of State, Count YAMAGATA, now advancing and making obeisance, handed to the EMPEROR a scroll, from which HIS MAJESTY read in dignified tones, and in a voice that was well heard throughout the whole Chamber, the following speech to the assembled Diet:—

We announce to the Members of the House of Peers and to those of the House of Representatives:

That all institutions relating to internal administration, established during the period of twenty years since Our accession to the Throne, have been brought to a state approaching completeness and regular arrangement. By the efficacy of the virtues of Our Ancestors, and in concert with yourselves, we hope to continue and ex-

tend those measures, to reap good fruits from the working of the Constitution, and thereby to manifest, both at home and abroad, the glory of Our country and the loyal and enterprising character of Our people.

We have always cherished a resolve to maintain friendly relations with other countries, to develop commerce, and to extend the prestige of Our land. Happily Our relations with all the Treaty Powers are on a footing of constantly growing amity and intimacy.

In order to preserve tranquillity at home and security from abroad, it is essential that the completion of Our naval and military defences should be made an object of gradual attainment.

We shall direct Our Ministers of State to submit to the Diet the Budget for the twenty-fourth year of Meiji, and certain projects of laws. We expect that you will deliberate and advise upon them with impartiality and discretion, and We trust that you will establish such precedents as may serve for future guidance.

The speech from the Throne finished, the President of the Upper House, Count ITO advanced, received the scroll from the EMPEROR made obeisance, and withdrew. The whole affair occupied just five minutes. Sovereign, Court, and Cabinet immediately left the Chamber, the rest of the audience remaining a few minutes, till the strains of the National Anthem, played outside, told of HIS MAJESTY'S departure for the Palace. Brief though it naturally was, the ceremonial was, nevertheless, dignified and impressive in a high degree. In every respect—in arrangement, execution and accessories—it was undoubtedly a thorough success, and worthy of the occasion of one of the weightiest episodes in Japan's modern history. The EMPEROR—who, we have omitted to say, wore a military uniform—looked, happily, in excellent health, and discharged his high functions, as HIS MAJESTY always does, with true kingly dignity and ease.

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED.

DIPLOMATIC BUREAU.
JAN 21 1891

No. 182.

Jan 21 Ltr Cooper
copy to Navy Dept Jany 21. 1891.

Legation of the United States.

Tokio Japan, December 15. 1890.

Mr Sanji-

To the Secretary of State.

Subject:

New flag-staff for Legation.

No. 182.

Legation of the United States.
Tokio Japan, December 16. 1890.

Hon. James G. Blaine.
Secretary of State
Washington D.C.

Sir.

For reasons that have been considered sufficient the various foreign Legations in Tokio are in the habit of displaying their respective national Ensigns from permanent and substantial staffs of the nature of lofty masts, with top-masts and cross trees, situated in a central part of the Legation grounds, so that

that the flagpole can be seen from a considerable distance.

The flag-staffs of the British, Russian and other Legations have each cost, to erect, from two to three hundred dollars. At the old Legation grounds in Tsukiji we had a single pole of very inferior quality. What it cost originally, I do not know, but to put up a similar one now, even of that inferior character would cost not less than twenty dollars and might exceed that sum.

I had the old pole taken down and moved to this Legation but when here it was found to be unfit to be put in place again. On enquiry I found that the cost of constructing a suitable flag-staff, such as other Legations now have, was likely

likely to be so considerable, (more than two hundred dollars) that I hesitated about undertaking it. At this juncture Rear Admiral Belknap, Commander in Chief of the U.S. Naval Force on this Station, kindly came to my relief. He placed at my disposition the services of the U.S. Fleet Carpenter, Mr. J. G. Tilden, of the U.S.S. "Omaha" by whose valuable and judicious assistance I have obtained and set up a very excellent and durable flag-staff, 80 feet high, consisting of lower mast, cross-trees and movable top-mast with a gilt copper ball and every thing completed in the very best style and workmanship at the Entire expense of 90 $\frac{75}{100}$ Yen. (90 $\frac{75}{100}$)

The lower mast, which is fourteen inches

inches in diameter, cross trees, iron work and copper ball were all made on board the "Omaha" at Yokohama by the ships mechanics, I paying only for the spar of which the mast was made and for the gold leaf of the ball and a very trifling charge for the work. Mr Lilden then came to Tokio, bringing his assistants, and made the top-mast out of the old flag-pole, brought up from Tsukiji, which he cut down to the proper dimensions. The mast as it now stands is fully equal if not superior to any Legation flag-staff in Tokio and has been put in place at a cost not much, if any, above one third of what I should have been compelled to pay for it had it been done at Tokio by Japanese

Japanese contractors in the regular way.

I have taken the liberty of thanking in behalf of the Government Rear Admiral Belknap and Flag Carpenter Tilden for their courtesy thus extended and herewith enclose a copy of my communication to that effect.

I shall venture to charge the cost of this flag-staff against the contingent fund of this Legation at the close of the quarter and respectfully ask for your approval thereof.

I have the honor to enclose herewith memoranda of cost of the flag-staff.

I have the honor to be

Sir.

Your obedient servant

John A. Bingham

Enclosure.
Memoranda as above.

Memoranda of cost of Flag-staff.

Shinoki Spar	yen.	35:00
Gold leaf, for ball	"	1.95
Blacksmiths work	"	.90
Carpenters fare to Tokio and return	"	2.00
Mr. Sildens " " " two trips	"	2.00
Transportation of Spar to Tokio	"	7.00
Carpenters board in Tokio	"	4.00
Excavation and foundation	"	6.50
Painting staff	"	4.00
Raising Staff & putting in place	"	19.50
Use of Tackle	"	4.00
Stone cutting &c for foundation	"	1.50
Halyards &c	"	2.40
Total	yen.	90.75

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED.

DIPLOMATIC BUREAU
JAN 21 1891

No. 183

Legation of the United States.
Tokio, Japan, December 19, 1890.

Mr. Swift
To the Secretary of State.

Subject:
Speeches in the Diet by the Prime Minister and Minister of Finance.

No. 182

Legation of the United States.
Tokio, Japan, December 19, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith, for your information, newspaper copies of the speeches delivered on the 6th instant before the Lower House of the Diet by Count Yamagata, the Prime Minister, and by Count Matsukata, Minister of Finance, as indicative of the policy and plans of the Government with respect to their several Departments.

I have the honor to be,
Sir,
Your obedient servant,
C. J. Swift

Enclosure:
Clipping from "Japan Herald", Dec. 4th.

Enclosure with Mr. Swift's No. 183.

The Japan Daily Herald.

MONDAY, 8TH DECEMBER, 1890.

COUNT YAMAGATA'S SPEECH.

Gentlemen.—By the gracious benevolence of H.I.M. the EMPEROR, the great charter has been promulgated, the granting of which does immense honour to the country, and for the which it is to be congratulated; besides which it gives me this opportunity of meeting you in one room. The time has now arrived for me to speak to you on the domestic and foreign administrative affairs of the Government, but as the policy of the Government has been expressly explained in the Imperial Speech, made on the occasion of the opening of the Diet, I need not dwell on it *in extenso*, nevertheless, I should like to place before you the outline of two or three important matters and ask your judgment thereon. Peace and tranquillity have been maintained for three hundred years, owing to the old Government having followed a policy of seclusion, but it is at the same time to be regretted that the progress of the country during these years had been retarded, owing to matters having run against the grain. At the time of the Restoration, the various changes which had taken place in the world were observed, and the policy of the country altered accordingly. We have since then exerted ourselves to the utmost to discharge our debts, which have been delayed for three hundred years, within the short period of 24 years. This grave and important responsibility, which we as well as you bear upon our backs, has not been half discharged. Fortunately, however, by the profound wisdom of the EMPEROR, and the advice and arrangement of those who went before, a general standard has been established, and by advancing slowly step by step the present result has been obtained. As to their relative urgency or the means of administration, different men no doubt have different views. However, leaving that question aside, it will be generally observed that all are advancing in the same tide, and I shall take the liberty of saying decisively that all are now revolving within the orbit of advance, out of which none are likely to run out.

Gentlemen, I have submitted to you the budget for the 24th year of Meiji, and we are responsible for the due support of the Law and Imperial Ordinances under the Constitution. I have no doubt you will first deliberate and subsequently advise upon it with discretion and impartiality, now that it has been submitted by the Government. The greater portion of the expenditure is taken up by the army and navy, and I shall call your attention to the views of the Government on the most important portions of the Budget. The chief end of the state is to arrange its administrative and judicial systems, as well as to promote and develop the agricultural, industrial and commercial affairs of the country so as to foster its resources. At the same time, it is also necessary that the independence of the country should be maintained and its influence promoted. Your aim is similar to ours on this point, and I think this course should never be deviated from whatever changes may be introduced into future politics. The people of this Empire should co-operate and unite in pursuit of one straight course, so as to preclude failure in the fulfilment of their common object. The independence and self-preservation of a state lies in its defense of the line of its sovereignty and protection of the line of interest. By the line of soverignty is meant its boundary, and by the line of interest its sphere which has a close bearing upon the first mentioned line. Every country has these lines, and if the maintenance of the power of a country is desired among the other Powers, not only is it necessary to guard its lines of sovereignty but its line of interest also, so as to secure the independence of the country. But this cannot be effected in a day, hence the necessity of nursing the resources of the country so as to obtain this result. Therefore the payment of a large sum for the army and navy comes from an unavoidable necessity. I have no doubt that you will agree and co-operate with us on the points mentioned above. These are grave and important responsibilities which we must all bear in common with each other. It would not be difficult to arrive at some method of discharging this common obligation, if we spoke frankly our ideas and unbosomed ourselves by the sacrifice of our personal interest for the welfare of the public.

COUNT MATSUKATA'S SPEECH.

Gentlemen: I shall make a few observations on the general points of the Budget for the 24th year of Meiji which is to a submitted to you. The total revenue for the year is estimated at *yen* 83,114,000, together with the chief and supplementary draft, while the total expenditure is placed at *yen* 83,075,000, the revenue exceeding the expenditure by *yen* 38,000. This shows a decrease of *yen* 1,956,000 in the revenue and *yen* 1,827,000 in the expenditure as compared with the Budget of the present fiscal year. The reasons for the increase and decrease in the revenue and expenditure as compared with the present fiscal year will be understood by the explanation given in the first part of the Budget and accompanying reference papers, while the other particulars can be gathered from the explanations to be given at the meeting of the committee. However, there are points to which your attention is required, especially in relation to the source of expenditure for the construction of men-of-war, laying of railways and of telegraph lines. In the expenditure for the construction of men-of-war, *yen* 5,210,000 is to be paid out in five years, beginning from the next fiscal year, while *yen* 2,500,000 for the construction of railways is to be paid out in the two fiscal years 1891 and 1892, and *yen* 180,000 for the construction of telegraph lines the next fiscal year. These make a total of *yen* 7,890,000: and as it is impossible to defray such an extraordinary expense out of the ordinary revenue, recourse had to be had to extraordinary means. Fortunately, a surplus of *yen* 3,620,000 was obtained in the fiscal year 1888 and *yen* 4,270,000 in 1889, making altogether *yen* 7,890,000. This was brought about by a sudden development in industries and trade which gave an unexpected increase to the revenue. This result being totally unexpected, the Government thought it proper that this surplus should be used for the carrying out of the works mentioned above, and for these considerations a supplementary draft has been submitted. If you agree to this arrangement the necessary work can be carried out without raising a loan or increasing the taxes. In relation to the Budget, I most earnestly urge upon you the necessity of making a minute examination in order to arrive at an impartial and proper judgment.

The next matter of importance is the actual state of the national debt and regulation of the paper currency, and as these have an important bearing upon finance, I shall make a few remarks on their general points. The total of the domestic and foreign debts contracted since the Restoration to August last reached the sum of *yen* 399,000,000. Of this sum, however, *yen* 145,000,000 has been repaid, so that the balance in hand is *yen* 254,000,009: the foreign loan only takes up *yen* 5,000 000. Now, if to this balance of *yen* 254,000,000 be added the sum of *yen* 22,000,000 loaned from the Nippon Ginko without interest for the redemption of the paper currency, the total will be *yen* 276,000,000. It is an unavoidable necessity, owing to the exigencies of the finances of the country, to make a loan when an extraordinary demand occurs which cannot be paid out of the ordinary revenue. Such being the case, great attention should be paid in financial affairs to the decrease of the budget as much as possible in ordinary times. The Government have carefully considered this point, having since 1878 decided that *yen* 20,000,000 should be annually appropriated for the payment of principal and interest of the debt, and this has been done without intermission to this date. If this principle is followed to the end, the sum of *yen* 276,000,000 will be repaid within thirty years from date. The regulation of the paper currency has been a source of considerable trouble in the financial affairs of the Government, but it seems that now this will be arranged. The total amount of paper currency issued by the Government from time to time since the Restoration, when pressed by unavoidable political circumstances, reached in round numbers the sum of *yen* 120,000,000. However, the effect of consolidation was gradually seen, and in 1886 the convertible notes system was enabled to be carried out. Of the amount issued, *yen* 14,000,000 has been exchanged for Government loan bonds, and *yen*

43,000,000 for specie, while *yen* 24,000,000 have been redeemed. A balance of *yen* 40,000,000 remains, but of this *yen* 8,000,000 is in small paper under 50 *sen* face value. The Government have made arrangements that *yen* 1,000,000 should be annually paid out of the ordinary revenue for the redemption of these species of notes, and this decision has been carried out from the present fiscal year. The remaining *yen* 32,000,000 are notes of above 1 *yen* face value, and a fund for their redemption has already been reserved in the Treasury, and they can be changed without inconvenience at any time. If this arrangment should be maintained unaltered, they could all be redeemed at no distant date. The finances, gentlemen, are very closely connected with the country's general political affairs, and are carried out in economical circles, being ever changing. Their relation with other matters is also very extensive and grave. Moreover, there is a special difficulty in this country unlike others, which forbids us free action in finance and economy. Under these circumstances great discretion is necessary while care should be taken at the same time improve and develop with the progress of the time. I wish, therefore, to speak out frankly and candidly our belief, so that we may mutually and faithfully carry out our plans to secure to the country in the future safe and regular progress.

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED.

DIPLOMATIC BUREAU
JAN 21 1891

No. 184. V. 21 Jan

Ck by subject

Legation of the United States.
Tokio, Japan, Dec. 20, 1890.

Mr. Smith
To the Secretary of State.

Subject:
Yokohama Newspapers on the
Meeting of Foreign Residents
Sept. 11, 1890.

No. 184

Legation of the United States,
Tokio, Japan, December 20, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith two articles taken from English newspapers of Yokohama, suggested by the meeting of foreign residents of September 11th., having opposite views of the treaty revision question, namely an editorial from the "Japan Herald" of the 6th., and the "Japan Mail" of the 18th. instants.

Both journals are ably conducted

conducted and, on the question of the immediate abolition of consular jurisdiction distinctly disagree.

I forward them as fair expositions of the two sides of the question as treated by foreign journals and residents in Japan.

I have the honor to be,

Sir,

Your obedient servant,

John A. Lucas

Enclosures: Clippings from -

"Japan Herald" Dec. 6th.

"Japan Mail" Dec. 18th.

Enclosure with Mr. Dwight's No. 184

AN ILL-STARRED CAUSE.

IT is usually the case with events of importance in this Settlement that a reflected image of them is presented to us four months later, and the reflecting medium being the partial information and cloudy notions of outsiders, the image often appears curiously distorted. We expected that this would be the case with the Meeting of September 11th, and our expectation is amply verified. The *London and China Express*, with becoming docility, has set itself to blazon abroad Yokohama's doings, and Yokohama does not gain much by the process. Even in the presence of other feelings which we shall not attempt to describe, it is impossible to avoid a pang of sympathy with the hard lot of Yokohama's heretofore champions. Coldly indeed for them blows the wind of ingratitude. To be abused is at least exciting, to be attacked is sometimes amusing, and to be denounced is occasionally comforting. But to be ignored altogether, that is in truth bitter. We have never ourselves supposed for a moment that the ranting, railing champions who professed to represent the views of this community, held a commission from anyone but themselves. Nevertheless, we confess that we overrated the probable effects of their clamour and persistence. We were not prepared to find that the outer world did not even acknowledge their existence, and that their useful functions as directors of public opinion might be measured by the tail of the proverbial Manx cat. Such is the fact, however. This community, we to-day learn, has hitherto been without any sort of mouthpiece. It has had nobody to fight for it; nobody to correct the falsehoods told about it, and nobody to state its case. The irony of fate is sometimes marvellously keen. The man who at the meeting of the 11th of September, received and obeyed the mandate of the promoters to proclaim Yokohama's forlorn condition and to tell the community that they were without anything resembling a worthy public representative, this very nan had for years been proclaiming himself as the one and only competent exponent of his fellow residents' views and champion of their interests. It is pitiful that he should have been compelled to make a suicidal confession at the eleventh hour, and it is even more pitiful to find, as the *London and China Express* tells us, that outsiders accept his confession without a word of protest. Yokohama, in short, has hitherto been entirely without an anti-Treaty-Revision mouth-piece, and the effects of her silence are now lamented all too late.

But if silence has cost the anti-revisionists dear, speech does not seem to have served their purpose better. At all events, the speeches made at the meeting on the 11th of September have not enabled their friends to understand the situation. The leading agitators explained that last year, when one great Power after another was giving its consent to Count OKUMA'S proposals for Treaty Revision, Yokohama made no move because it was well persuaded that Great Britian's consent would never be secured. Yokohama in fact was just as much opposed to last year's scheme of Revision as it is to this year's. So at least said the Yokohama's agitators themselves. But in the reflected image of Yokohama's procedings we find that the agitators object, not to both schemes equally, but to the differenee between them. They were with Count OKUMA; they are against Viscount AOKI. We have more than once pointed out that the statement of their own views made by the agitators left the public in a state of exceeding doubt as to what really was objected to and what really was intended. But we were not prepared to find, despite this great obscurity, that their ingenious explanation of their silence last year in the presence of an imminent catastrophe would fall upon entirely deaf ears, and that their new champion, the *London and China Express*, would represent them as having been last year in agreement and this year in opposition. Evidently some very mischievous fate has been entrusted with the control of this Settlement's anti-Revision champions. After having occupied the lists noisily for years, their most stubborn leader is obliged to stand up and publicly confess that he and his followers have had no existence whatever, so far as useful results are concerned; and now, when an apparently influential effort is made to supply this unhappy deficiency, the immediate issue is renewed misunderstanding, increased misrepresentation, and intensified confusion. Truly someting is amiss in this little Anti-Revision world of ours, and that it will ever be unriddled we begin to feel hopeless.

Apart from the muddle it produces as a reflecting medium, the *London and China Express* is delightfully nebulous on its

own account. It takes a great deal of pains to show that Japan lost credit by the proceedings of last year. Indeed it goes so far as to call her change of front an "utter and undignified fiasco." There is no denying that when a Power recedes from a position voluntarily taken by itself, its steadfastness of purpose is seriously impugned in the eyes of the world. This is what happened to Japan last year, and she must take the consequences. But such things do not happen to Japan alone. We need not travel beyond the records of Great Britian herself, nor need we go farther back in those records than fifteen years, to discover a case where a treaty proposed by England and concluded by her Plenipotentary after months of negotiation, was finally rejected because the British Chambers of Commerce did not like it. By the light of this precedent we do not find it so heinous that Japan should have altered her proposals in deference to a wave of popular agitation such as no Government could afford to despise. The *London and China Express*, with pretty naïveté, declares that Japanese public opinion is nothing to Western statesmen. Nothing indeed! What then is something? At this side of the water we are constantly assured that public opinion in Japan is not really moved by the topic of Treaty Revision, and that the problem may very well be left for solution at the Greek Kalends. At that side we are told that Japanese public opinion does not matter two straws, and that Western statesmen have nothing to do with it There is no word to describe the mental condition of journals like the *London and China Express* in regard to this matter. Their writings are a mixture of frivolous chatter and stupendous ignorance. The most prominent and important point of difference between the situation in Japan to-day, and the situation 5 years ago is that, whereas her statesmen were then able to direct intelligent public opinion and to ignore that which was not intelligent, they are now obliged to pay to both classes the same deference that the views of a nation in civilized Europe receive at the hands of its Government. This is where the Japan of 1890 presents such a strong and striking contrast to the Japan of 1885, and anyone who fails to appreciate the change must be indeed a blind reader of contemporary annals.

But even though this salient fact had not penetrated the crass atmosphere of the *London and China Express*' perception, it might still have avoided the silliness of asserting that national opinion is a quantity of no account in international compacts. A lively stretch of imagination is needed to conceive the reception the House of Commons would give to a Foreign Secretary who should rise in his place and declare that in negotiating a treaty with Japan, British statesmen are not required to take any account of Japanese public opinion. Truly this Anti-Revison campaign abounds in marvels. Long ago we imagined that the limit of startling surprises had been reached. But when a performer like the *London and China Express* steps into the arena, the farce recommences in a new and unanticipated direction. There is little occasion, we imagine, to pay attention to our esteemed contemporary's statements of fact, seeing that its deductions and arguments so far exceed the bounds of ordinary intelligence. Yet Yokohama must have learned with a gasp of relief how narrowly it last year escaped an irreparable calamity. Actually while it was hugging itself in the belief that whatever Germany, Russia, or the United States might do, Great Britian at all events would stand firm—actually while it was hugging itself in this belief, and remaining confidently silent, Great Britian, according to the *London and China Express*, was "on the point of signing" the obnoxious Treaty. It was a narrow escape, and instead of abusing Japan for suspending the negotiations, we should be exceedingly grateful that she thus afforded us an opportunity to break a silence which might have sealed our fate for ever. People who saw clearly behind the scenes last year, believe that England's hesitation was the real crux of the situation, and that had she acceded at a tolerably early stage, public opinion in Japan would never have attained embarrassing dimensions, nor would the Tokyo Cabinet have thought of revising its proposals. But this is evidently a misconception. The *London and China Express* has spoken, and History must be re-written.

Japan Mail

Dec. 18th '90

Enclosure in Mr. Swift's No. 184.

The Japan Daily Herald.

(WITH SUPPLEMENT.)

SATURDAY, 6TH DECEMBER, 1890.

DEATH.

At Nagasaki, Japan, November 28th, 1890, EDWARD H. NICHOLSON, of Baltimore, Md. U. S. A., in the 55th year of his age, after a long illness.

The Citizens' Meeting and the Permanent Committee.

NOTWITHSTANDING the importance and unanimity of the meeting of the residents of Yokohama, held in the Public Hall in September last, its proceedings have scarcely secured that amount of attention from the foreign press abroad which was justly due to it. When contemplated from our own standpoint, naturally, to foreigners here, whose liberties and interests are at stake, everything involved in treaty revision is of transcendent importance. Our politics may be said to centre in this one question, for what the Japanese may do in reference to affairs exclusively their own, is to us of little interest, beyond evoking a feeling of somewhat languid curiosity as to the proceedings of an interesting people, who have done so much within the last quarter of a century, to bring themselves within the pale of an advanced civilization, and thereby to put themselves in a position to claim from foreign Powers a recognition to which they would not have been entitled, had they not shown an eagerness to grasp and adapt to their own circumstances, the advantages, material and moral, to be acquired from other nations. In these respects, Japan of all Oriental countries has secured the first, and decidedly the most prominent place. China, with its intense conservatism, lags behind, whilst the multifarious peoples of India, after upwards of a century of the informing benefits of British rule, betray but little of that eager spirit of progressive improvement which so creditably characterises the Japanese.

But whilst bearing this willing tribute in commendation of their efforts, a due regard to ourselves and our interests, forbids us from surrendering those safeguards which have hitherto protected us until such advances shall be reached as to reduce the risk of our doing so to a minimum. In the opinion of those lately assembled at the Public Hall, that time has not yet arrived, and such being the case, it is certainly advantageous to the Japanese as well as to ourselves, that no false or precipitate step should be taken which either party might have cause hereafter to regret. The meeting then, though late in the day, performed a useful service in putting, as it were, a break on a too fast revolving wheel.

In affairs of this importance, the wisdom of making haste slowly is to be commended, and the British Government, which appears to be to a large extent master of the situation, as indeed it should be, when due regard is given to British interests, we have strong reasons for believing, is pausing to consider what concessions prudence would justify it in conceding to Japanese demands. Had no meeting been held, there is no knowing to what injudicious lengths it might, by imperfect information, or by positive misrepresentations, have been betrayed into.

On this branch of the subject the *London and China Express* warns the community of the evils likely to arise from the false glosses of the Correspondent of the *Times* and others concerned in misrepresenting the truth with respect to the situation here, and points out that now there is a Citizens' Committee, it will be their fault if misrepresentations be permitted to go unchecked; they are recommended to keep a careful eye on the statements made in the English press, and to have some methods by which corrections can be applied. This most decidedly is good advice, and the Citizens' Committee should pay that attention to it which it unquestionably deserves.

We notice that the *London and China Express* in the same article, calls attention to a circumstance which has been more than once mentioned by ourselves. It says that "whilst foreign diplomatists maintain a careful reticence on the successive proposals of the Japanese, in the course of the negotiations, the Japanese themselves lose no time in revealing all that goes on to a Western Journalist, of whose warm advocacy they are always assured. Yet a few years ago, they professed violent indignation when a foreign Minister showed certain treaty proposals to a Yokohama journalist." There is very much truth in this, and in more which follows in the same article. Of course the *Japan Mail* has refrained from re-publishing it, though it always makes it its business to reprint the letters of the *Times* correspondent, in which the hand of the Editor of the *Mail* himself is now and then betrayed, and does not neglect to perform a similar service for the effusions of Sir EDWIN ARNOLD written for the *Daily Telegraph*.

It is satisfactory to be assured that "one great object secured by the meeting is that officials and journalists will no longer accept, as gospel, communications from Japan written in support of one side of the question." But says the journal from which we quote, "the standing committee should by communications to the press at home, and to the Foreign Offices of Europe, persistently explain their position and demands. They should correct misrepresentations, and they are advised, that if the propaganda on the other side, is as active and energetic as it has been in the past, they should be equally energetic. They should no longer be mere counters in the diplomatic game."

These recommendations convey words of wisdom, and we strongly urge the Citizens' Committee not merely to ponder them, but to act upon them. It is not enough for its members to meet together at rare intervals. There should be an office, and say, a weekly meeting for the members of the Committee to take counsel together, and to compare notes, and to a small executive should be entrusted the duty of preparing a comprehensive pamphlet setting forth the views of the community on the subject, and there should be established communication with governments and the press abroad.

As yet, we regret to say, not an effort has been made beyond transmitting copies of two of the resolutions arrived at, to let the world at large know what are the objections which residents entertain to the proposals of the Japanese Government. Beyond the reports of the speeches which appeared at the time in the local journals,—speeches which by no means covered the whole of the objections which could be urged, every one beyond those here has been left in the dark, and this, in all probability, is the principal cause of the little comment or attention which the movement has met with in the newspapers published abroad.

In addition to the labors which the exigencies of the time demand, there are other duties which the Committee might render to the community. Foreigners are debarred in Yokohama, by that covetousness of power possessed by the Japanese, from hoping for any scheme of Municipal Government, in which they might usefully participate, nevertheless there are occasions when an organised body, such as this is, representing every nationality in the place, might reader useful service in pressing reforms on the native authorities having charge of the Government of the *Ken*, and in suggesting improvements. The press does its share in arousing public attention to what should be amended or resisted, but the Citizens' Committee would naturally have more weight to secure such *desiderata* as the public requires.

THE action of the Citizens' Committee in bringing under the notice of Chambers of Commerce the resolutions passed at the public meeting held here in September last, is beginning to bear useful results, and no doubt, presently, we shall be put in possession of the decisions most of them will have arrived at on the subject.

In New York, the Chamber of Commerce has pronounced its opinion that the relinquishment of exterritoriality would imperil the interests of American citizens, and that such action at the present time would be inexpedient and unwise. The Chamber also, with entire unanimity, protested against such action being taken, and it was resolved that a copy of the resolutions and the preamble on which they were founded, should be forwarded to the Secretary of State for his immediate consideration.

This decisive proceeding on the part of so important a body as the New York Chamber of Commerce, is creditable to its intelligence, and proves plainly that the sophistical arguments and perversions of fact emanating from the inspired and paid writers of the Government here have, at least so far as opinion in New York is concerned, failed. We shall know very soon what the Chambers on the Continent and in England have said on the subject, but the result of the appeal to their good sense is not to be doubted.

No. 1851

DIPLOMATIC BUREAU
JAN 21 1891

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED.

Legation of the United States,
Tokio, Japan, December 20, 1890.

Mr. Swift
To the Secretary of State,

Subject:
Speeches before the Diet by the Ministers of War and the Navy.

No. 1891.

Legation of the United States,
Tokio, Japan, December 20, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith, for your information, newspaper clippings of the speeches made on the 6th. instant by Count Oyama, Minister of War, and Viscount Kabayama, Minister of the Navy, before the Lower House of the Diet and under its order, in explanation of the policy and purposes of the Government with respect to those Departments.

I

I do not deem it necessary to make any comment on the speeches.

I have the honor to be,
Sir,
Your obedient servant,

John F. Steele

Enclosures: Clippings, "Japan Herald", Dec. 17th.

Enclosure with Mr. Dirtt's No. 1831

The Japan Daily Herald.

WEDNESDAY, 17TH DECEMBER, 1890.

COUNT OYAMA'S SPEECH.

GENTLEMEN.—In connection with the enquiry submitted to the Minister President of State by Mr. ARAI SHOGO and thirty-two others, relative to the military and naval policy, I shall take upon myself to reply on matters connected with the army, leaving the naval affairs to be dealt with by Viscount KABAYAMA. I must say conclusively, that the object of the military defence of this empire is for the upholding of the national rights, and consists of self protection. However, a fixed policy cannot be pursued all the time in order to carry this out. It is incumbent, under certain conditions and circumstances, to change either to an offensive or defensive policy. Again, the army and navy are similar to the wheels of a carriage or the wings of a bird and they cannot be separted, nor is there any difference in their relative importance. Taking into consideration the present condition of the country, I believe its military system to be perfect, but such works as the coast defence, manufacture of arms and the survey of land have not yet reached the desired point of perfection. I hope to be enabled, with your permission, to gradually effect such improvements as the condition of the finances will allow.

VISCOUNT KABAYAMA'S SPEECH.

GENTLEMEN.—Mr. ARAI and thirty-two members of your House have addressed several enquiries, one of which was relative to the military and naval policy. As the Minister of War has just now declared, the navy also takes upon itself a defensive course, but the policy of the navy will be to follow this so far as is consistent with other circumstances. Without doubt, the first object of self protection, is that the state should be defended. Your question as to which should be first developed, the army or navy, is not one to be settled. The development of each is subject to certain circumstances, which have been mentioned by Count OYAMA. To the question whether the army and navy should be developed side by side, I submit that the navy should be perfected first. The Government also takes this view, and, as you are no doubt well aware, the responsibility resting upon the navy at ordinary times is very great, hence nothing need be said of its utility in time of war. Such matters as the protection of trade, superintendence of the coast fisheries, the relief of vessels in distress, etc., all depend upon the strength of the navy. Yet if our navy is compared with the army, its tardiness in improvement will be very marked, therefore it is my intention to develop the navy as far as the finances of the country will permit. This is all I have to say in answer to the questions connected with the army and navy, but I should like to make a few remarks on its development. When the condition of this country and that of foreign powers is taken into consideration, it will be seen that the ability of the navy is trifling. And if it were asked what would be the propórtion of the necessary power to be developed to compare with foreign powers, the answer would be that a tonnage of 120,000 tons of men-of-war would suffice. Otherwise, there is grave apprehension for the safety of the country. To reach a tonnage of 120,000 tons, it is necessary that twenty-five new ships be added to those already in use and ordered from abroad, besides it must not be forgotten that vessels grow rotten and may be damaged or lost, to fill which gaps new ones must be annually ordered. You are no doubt aware that the supplementary budget for the construction of ships has been submitted to the House, but as unseaworthy ships are condemned, and others supplied to take their place, it is not to be taken as a preliminary step to make the tonnage reach 120,000 tons. They may be considered as auxiliaries to the present ships. The sum of yen 5,210,000, which is to be passed in the budget for the next fiscal year is not appropriated for an increase of the substantial power of the navy, but to prevent its diminution. Although the building of men-of-war is of paramount importance to the perfection of the navy, admiralty stations, which are their head quarters, must also be erected. In the budget for next year, the expense for the maintenance of the Kure and Sasebo Admiralty Stations is a large item. When the tonnage reaches 120,000 tons, work on the Maidzuru and Muroran Admiralty Stations should be commenced. In that case watch towers must be built in places where lighthouses can be erected, for the protection of mariners, besides signalling purposes. In time of war they will be of great use in watching the movements of an enemy's squadron so as to enable us to oppose them efficiently. They are important, and their erection is inexpensive. Another matter to which I should like to call your attention is gun-cotton for torpedoes. This cannot be manufactured in Japan, so the supply must come from abroad. As this is expensive, a manufactory must be erected together with the ships. Our navy being so feeble, we are in the possession of no transports, therefore when the Kyodo Unyu Kaisha was first established a contract was entered into for the supply of vessels in time of war, and you must be aware that a subsidy is now given to the Nippon Yusen Kaisha for the same purpose. You may think that the navy would then be satisfied, but my desire is, although there is no hope of its being carried out at present, that 75 men-of-war representing a tonnage of 200,000 tons should be built. Should the naval defenses of Japan be perfected thus far, any policy, whether offensive or defensive, could be taken at will. However, even if full arrangements can be made to-day, the resources of the country will not permit its being carried out, so I shall defer dealing with this subject until another day. Now the tonnage of 120,000 tons referred to above I should like to have perfected in about 7 years. I desired to submit my views to the House for consideration for the next fiscal year, but as great distress seems to be felt over the import of rice, fluctuations in exchange and natural calamities, I have not done so, being satisfied with the sum of yen 6,210,000 which was placed at my disposal, and for which I desired the approval of the House, although this sum is far below what I require. Although it is my intention to raise the tonnage to 120,000 tons in six or seven years, I shall not ask for any allowance during the next fiscal year. I trust you will carefully consider this point and give me your support. On the completion of this, the authorities, though not fully prepared, would be able to act freely. Although the incompleteness of the navy is a matter that is much discussed, it is nevertheless natural that those who are in a position to do so, should sacrifice themselves for the welfare of their country. Still I feel some doubts as to its success. In conection with the military defenses, I do not think that misfortunes can be brought upon 40,000,000 of the people should the navy be defeated. What way could

the authorities escape blame if there should happen such a thing as the bursting of a shell from a 100-ton gun, from a distance of about 10,000 metres, upon the roof of the Diet. You will please consider the matter in the same light as the authorities, and I trust you will exert yourselves for the development of the navy. With the yen 5,210,000 for the fiscal year 1891 two cruisers, one gunboat and two torpedo boats are to be built, and upon these your advice is requested. If the required tonnage can be reached in six or seven years, the defence of the country can be effected. I have fully availed of this opportunity to speak in order to point out to you that you must carefully consider the matter in order to place the Empire on a firm and secure basis. Probably I have said too much, but what I have said is for your consideration.

Mr Yoshikawa's Speech.

Gentlemen.—Mr. Arai Shogo and thirty-two other members wrote to the Government on the 9th inst. asking whether the higher or common educational system would be followed. I shall endeavor to explain, in reply thereto, the policy of the Government. Education is very important for a country and cannot be neglected even for a moment—a fact which needs no comment. Common education is for school boys in order that they may become the basis of the state, promote its welfare and increase the happiness of the people; by caring for the physical development of their bodies, and the moral basis, common knowledge and ability necessary to them in after life will be obtained. Therefore ever since the Restoration the Government have been busily following the policy of making all boys who are of age to attend school to do so, and are determined not to neglect its further stimulation. The common education given to young men is to enable them to engage in practical business or enter upon a higher course of study. Now, gentlemen, the Constitutional system is established and the system of local self-government has been carried out, in consequence of which public business is becoming daily more complicated. When new industries and productions are started, along with the progress of society, what class of men will it be who will be able to promote the interest of the country and happiness of the people by making use of these organs and working them smoothly and cleverly. I believe it will be men who have advanced to a middle school education. The government will therefore, as it has done hitherto, foster middle-school education. Common education is a necessity, you will all admit. Higher education studies the progress of science and arts, and stimulates the development of technical professions, hence it is of importance to the state. Diplomatic relations are at present greatly extended, and other matters and things are being daily renovated. I think that the knowledge of the people must be improved and able persons be nursed as much as possible so as to raise the dignity of the state and study measures for its prosperity. These can only be effected through higher education, therefore the Government think that this and the common education should be developed together and improved upon. In short the higher and common education have important bearing upon the country and there is no difference between the two. The Government believe that they should not be inclined to one in preference to the other. This has been their policy since the Restoration, and as we believe there is no great difference between the common and higher education, both must be promoted and stimulated.

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED.

DIPLOMATIC BUREAU
JAN 24 1891

No. 186

ASSISTANT SECRETARY.
JAN 22 1891

Legation of the United States,
Tokio, Japan, Dec. 22d, 1890.
Ans 28 Jan

Mr. Swift
To the Secretary of State.

Subject.
Postponement of Commercial Code.

No. 186.

Legation of the United States.
Tokio, Japan, December 22d 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that a bill for an act to postpone the taking effect of the Commercial Code has just passed with practical unanimity the House of Representatives or popular branch of the Diet. There seems to be no doubt that within the next few days the bill will pass the Peers, as it seems to be generally demanded by Japanese opinion.

I

In my No. 132 I had the honor to inform you that an Imperial decree had been issued providing that the various codes of M. Boissonade de Fontarabie, the French law professor, so long engaged in that work, should be promulgated to take effect at certain stated periods in the future, that fixed for the Commercial Code being the earliest, namely, January 1st., 1891. The others do not go into effect until 1893.

There seems to be no doubt that the Japanese people represented in the Diet are opposed to the present operation of all of these laws and that as the time for them to take effect draws near they will be postponed and

and put off indefinitely, if the legislative will is obeyed.

Of course the Emperor is not forced by the terms of the Constitution to follow the suggestion made by the Diet, but may persist in putting the new laws in force; but there is no reason to think he will do so. On the contrary, it may now be taken for certain that the operation of the codes will be pushed ahead, out of the way until the people of Japan desire them, which may or may not occur within the next few years.

I have the honor to be,

Sir,

Your obedient servant,

John L. Knight

Secretary

Post Script:

Since writing the above information has been received that the bill has today been passed by the House of Peers.

L.L.S

DIPLOMATIC BUREAU.
JAN 24 1891

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED.

No. 187

Legation of the United States.
Tokio, Japan, December 27, 1890.

2D ASSISTANT SECRETARY
Ack. by Number and File.
JAN 24 1891

Mr. Swift
To the Secretary of State.

Subject:
Proposal in House of Peers to Recover Tariff Autonomy.

No. 187

Legation of the United States,
Tokio, Japan, Dec. 22, 1890

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

On the 19th. instant a proposal was offered in the House of Peers, by Viscount Tani, to memorialize the Government for the recovery for Japan of Tariff autonomy. The proposal was discussed at some length, though I have as yet only been able to obtain a brief synopsis of the proceedings which I inclose and forward for your information.

Have

You will observe that the idea of levying protective duties found some supporters. Also that the fear of estranging foreign powers by a protective policy influenced the minds of some of those participating in the debate. There is no doubt that many Japanese statesmen have contended to affect stronger free trade notions than they actually entertain for fear of difficulties likely to be thrown in the way of recovering control over their tariff by the leading commercial powers of Europe.

I have the honor to be,
Sir,
Your obedient servant,

John M. Swift

Enclosure: Clipping as above.

Enclosure with Mr. Dwight's No. 187.

The Japan Daily Mail.

YOKOHAMA, MONDAY, DECEMBER 22, 1890.

IMPERIAL JAPANESE DIET PROCEEDINGS.

HOUSE OF PEERS.—DECEMBER 19TH.

The House assembled at 10.30 a.m. The President announced the names of the Committee to revise the Rules of the House; also various changes in the personnel of the other Committees now sitting. The House then proceeded to consider a Representation introduced by Viscount Tani in reference to Customs Dues. Viscount Tani explained that doubts might be entertained as to the propriety of the Representation he proposed, in view of the fact that the Government is now engaged in the task of Treaty Revision. But the public, in common with himself, knew very little about the Government's programme of Revision, nor had much been learned from the speech delivered by the Minister for Foreign Affairs in the Lower House on the 17th instant. Treaty Revision, he said, was a subject that caused him the greatest concern. The guiding principle of the intercourse of nations now-a-days was self-interest. Each sought its own commercial aggrandisement. If, in this struggle, a country fell behind its rivals owing to want of capacity or capital, it had no complaint to prefer against them. But if it was compelled by *force majeure* to carry on its foreign trade under the terms of a disadvantageous covenant, and if its industries and agriculture suffered in consequence, the case appealed to the patriotic instincts of all its nationals. Such were Japan's circumstances. As the Foreign Minister had explained in his speech, the original tariff of 1858 allowed Japan to levy duties of from 20 to 30 per cent., but the tariff of 1866 had reduced the rate to a maximum of 5 per cent. Japan was then ignorant of the outer world, and of the ways of international trade. She suffered for her ignorance. Foreigners were not to blame for driving a hard bargain with her. Since then, however, Japan had left nothing undone to cultivate the friendship of Western nations and to instruct herself in their condition. She had, moreover, introduced all sorts of reforms of Occidental type, and had given the strongest proofs of her desire to act fairly and be acted fairly by in return. Yet to this day Treaty Revision remained unaccomplished, though the time when the country became entitled to demand it was now nearly twenty years old. To this day the same covenant that was contracted with the empire in the era of its infancy, was enforced without change. Justice and Reason were outraged by such a state of affairs. Fortunately the birth of representative institutions in Japan opened the road to an appeal to public opinion. Such an appeal he considered it the duty of every lover of his country to make; an appeal to the Japanese people to help themselves, and an appeal to the moral sense of Western statesmen, who must see that to keep Japan to the terms of covenants contracted in the infancy of her foreign intercourse and totally unsuited to her present condition, was indefensible. The statistics of the country's foreign trade showed that from the beginning of the Meiji era until June of this year, imports had exceeded exports by nearly 148 million *yen*; in other words, from five to six million *yen* of Japanese money went into the pockets of foreigners every year. Such a state of affairs was incompatible with sound finance, and he was sure that if foreign Powers could be brought to consider the facts, they would not seek to prolong the present Treaty. Moreover the exchange of raw products for manufactured articles was a proceeding that recalled the days of mediæval ignorance and uncivilization. Yet it was Japan's proceeding now. Various attempts to start manufactories had been made in Japan, but they had not achieved success, and the people were obliged to fall back on the sale of raw products. It was in truth a lamentably dark outlook. Silk, for example, produced in such large quantities and of such excellent quality in this country, ought also to be worked up here, but though the Japanese were fully competent to do this, they were prevented by the fact that their tariff was not under their own control, but had to be limited by the terms of an old covenant. In a word, Japan was a species of hollow place into which the stream of imports poured its waters, and until steps could be taken to build a dam against the ingress of the flood, it would be impossible to utilize the nation's industrial capacities. The certain end must be financial difficulties, out of which a temporary exit would be sought by foreign loans, a first step towards the downfall of the Empire. People busied themselves about local government, the compilation of codes of law, or administrative reforms, and called this progress, but they remained in ignorance that the strength of their country was monthly ebbing away, and that unless something were done to stay its decay, their fine measures would one day become an empty farce. The Ministers of War and of the Navy had talked a good deal the other day about increasing the military equipment of the empire, but if the national finances were in a state of disorder, what good purpose could military armaments serve? It was not the act of wise statesmen to look to the branches only of the tree, leaving the root untended, and he called upon his fellow-members to join with him in presenting a strong Representation to the Government. Mr. Kato Hiroyuki, President of the Imperial University, opposed the motion. He explained that he fully agreed with the spirit of the Representation, and with the arguments advanced by Viscount Tani. What he objected to was the fact of presenting such a Representation at the moment when the Government was known to be engaged in the task of Treaty Revision, and to be seeking by every possible means to recover the country's Tariff and Judicial autonomy. To make the Representation now would be like reminding a sick man of his condition, while his doctors were actually seeking to prescribe for him. Mr. Tomita Tetsunosuke supported the motion, urging that every country in the world had developed its industries by protective measures, England herself not excepted. Mr. Yamaguchi Shoho made a long speech in support of the proposal, but confined himself chiefly to adducing examples and statistics. The House then took a recess, and re-assembled at 1.15 p.m., when Mr. Ozaki Saburo rose to oppose the motion. He was emphatically in favour of recovering the country's Tariff autonomy, but he thought that the recovery of her Judicial autonomy was more important, and he therefore objected to precedence being given to the former. He did not think that Japan could hope to vie with the Great States of the West in commerce and industry, but at any rate the imposition of heavy import dues was not the way to assist that consummation. A heavy import tariff might bring money into

the national exchequer, but it would not enrich the country, for though foreign importers would have to pay the tax in the first place, it must ultimately come out of the pockets of Japanese consumers. He thought it much more important to assert the national dignity by abolishing extrateritorial jurisdiction. Mr. Miura Yasu combatted the argument that the Representation should not be made inasmuch as the Government was already engaged in trying to effect the recovery of the empire's Tariff autonomy. From what the public had been able to gather, it appeared that attempts to revise the Treaties had failed repeatedly, and that the Authorities were perplexed how to proceed. He thought that the support and advice of the people, offered through their representatives, could not fail to strengthen the Government's hands. Viscount Matsudaira Nobumasa approved the views of the last speaker. Mr. Okauchi Shigetoshi opposed the motion on the grounds that the Government was already engaged in negotiations for Treaty Revision, and although the nature of the negotiations was kept secret, in accordance with the practice in all countries, there could be no doubt that the recovery of Tariff and Judicial autonomy was the chief aim in view. He objected strongly to any prē-eminence being given to Tariff autonomy. Mr. Watanabe Kyoshi was of the same opinion. He judged that the question of Judicial autonomy was the real crux of the Treaty Revision problem, and he said that to put Tariff autonomy in the forefront could only complicate the situation. Professor Toyama asked the mover of the Representation what clues he followed in order to arrive at his estimate of public opinion. The speaker did not know that any means of gauging public opinion except the newspapers had existed up to the present, and the newspapers were not always consistent. Last year they had denounced Revision on the ground that sufficient preparation had not been made in the interior; this year they advocated Revision on equal terms. But could it be safely inferred that sufficient preparations were now completed. So far as he could judge the abolition of extraterritorial jurisdiction was regarded by public opinion as the really important feature of the question. Viscount Tani acknowledged the justice of Professor Toyama's question, and said that what he also aimed at was the recovery of both Judicial and Tariff autonomy. He appreciated that the Judicial question was of great importance, but he thought that the Tariff question was the more essential. Viscount Torio said that he supported the proposal, but he considered that the House ought not to debate it at length, and he accordingly moved the closure. The President called for a division, and a majority voted for the proposal.

DECEMBER 20TH.

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED.

No. 188. file

Legation of the United States,
Tokio, Japan, December 22, 1890.

Mr. Swift
To the Secretary of State.

Subject:
Japanese Newspaper on China, its Customs and Commerce, with reference to Japan.

No. 188.

Legation of the United States.
Tokio, Japan, December 22, 1890.

Hon. James G. Blaine,
Secretary of State.
Washington, D.C.

Sir:

I have the honor to transmit herewith a translated article on the subject of China, its customs and commerce with its possible advantages to Japan, taken from the Kokumin Shimbun, a vernacular newspaper of good standing, which I deem worthy of your perusal, not only on its own account as well written and interesting, but as showing that more consideration is being

being given by the Japanese people to their great continental neighbors than formerly.

I have the honor to be,

Sir,

Your obedient servant.

J. H. Wigmore

Enclosure: Translation from the Kokumin Shimbun as above.

Enclosure with Mr. Dickson's No. 188.

The Japan Daily Mail.

YOKOHAMA, FRIDAY, DECEMBER 12, 1890.

CHINA.

THE *Kokumin Shimbun* records some statements with reference to China, obtained by interviewing a Japanese who lived for a time in that country, and who is said to be competent to express an opinion on the subject:—"'As to Chinese customs I brought with me several illustrations designed to indicate their leading features, but having given most of these pictures to my friends, I have only a few to show you,' said he, handing me three pictures. The first showed a room used by the higher classes for smoking opium, with a man and woman lying in it smoking; the second was a representation of a nobleman going in a litter, and the third a drawing of a one-wheeled cart like a *jinrikisha*, and two men riding on it, pushed by a coolie. Looking at these, anyone could easily imagine how slowly things move in China, and how leisurely are the habits of the people. Then he referred to opium smoking. The poison of opium, he said, has already entered so deeply into every part of the vast empire of China that no law or punishment of whatever nature seems to be able to eradicate it. Many statesmen are apparently endeavouring to get the virus out of the country, but they themselves are smokers. Only the famous Chang Chi-tung, who is a man of strict principles, never smokes, and is most earnestly engaged in trying to check the further extension of the evil habit. But his efforts are almost fruitless. If the Government put a prohibitory tax on imported opium, the people could cultivate the plant themselves to such an extent as to satisfy their own requirements, and thus defeat the purpose of the Government measure. It is not on account of any peculiar taste that opium is so much liked by smokers, nor is it on account of its affording such a pleasurable sensation during intoxication as many Japanese imagine. The true reason of its use is its stimulant power acting as an excitant. Politicians before going to a discussion, professors before delivering a lecture, merchants before opening negotiations, resort to the stimulating drug, and having once appreciated its effects, cannot give it up and become more and more its slaves. For these reasons, it is as much valued in private as it is denounced in public. High and low, the people all use it. It is an important means of social intercourse among the better classes, and an opium smoking room is considered indispensable in the houses of ministers, landed gentlemen, scholars, merchants, and so forth, who have any claim to be hospitable or to treat honoured guests properly. Under such circumstances it is natural that the use of opium cannot be checked in China."

* * *

Passing on to speak of Chinese characteristics, the traveller said:—"The Chinese are often regarded as conservative, obstinate, avaricious, and greedy, but that is only true as applied to a portion of them. In such an old nation as China, where officialdom is so highly esteemed and the people are so indifferently treated, the disparity between the poor and the rich cannot but be great. The poorer classes have no choice but to go wherever work may be found, there to toil with a degree of penuriousness that suggests avarice, and of industry that implies greed. But if we look at the condition of wealthy Chinese, we find a very opposite state of affairs. There being no such thing as a middle class, the members of the higher class are generally very wealthy and extravagant in their manner of living. They have ample means to satisfy their desires, and they are not at all given to grudge expenditure. Restrained by the administrative policy and social customs observed in their country for so many centuries, they do not suddenly adopt the externals of Western civilization. But this is only outwardly so: privately they are disposed to abandon their old ways of life. Thus, in respect of ornaments for head, neck, hands, and so forth, imported goods are more and more coming into use, the most conspicuous of such adornments being made into forms dictated by national fashion so as to escape attention. In fact, the adoption of Western civilization in Japan began with the Government, and therefore its roots do not strike so deep. But the reform in China is destined to commence in society, and therefore so soon as it has really commenced, it will go on without interruption. Japanese merchants projecting, or engaged in, trade with China, should closely watch the changes impending for China and the Chinese.

* * *

Of the foreigners engaged in trade with China, the English assuredly exercise the greatest influence. Indeed it seems quite natural that the English should wield most influence in the China trade, for it was England that first opened that trade; but if we look a little closer, we find that the real cause lies in the earnestness and energy with which the English Government and people promote and encourage commerce with China. The English Government delegates to the Hongkong Government all affairs connected with the trade with China, and the Hongkong Government causes the various Consuls to work along with English merchants for the furtherance of their common object. They take all means to win the good will of the Chinese officials and merchants, and go into various undertakings, as the establishment of banks, of shipbuilding yards, railway construction, and various other industries in conjunction with the Chinese, either on an agreement for sharing profits, or on the principle of contributing towards capital or labour; and they thus endeavour to obtain commercial influence by convincing the Chinese that the English people are trustworthy and impartial partners in business. In starting any new undertaking the manner in which the English Consuls cultivate the Chinese officials and the English merchants win over the Chinese merchants fills the bystanders with admiration for their cleverness and industry. They employ all the tact acquired in dealing with other civilized nations in transacting business with the less civilized and less experienced Celestials, and leave no means untried to attain their objects, whether of pleading, intimidating, persuading, recommending, bribing, or cheating. They inevitably succeed in what they attempt, and thus gain ground inch by inch. Germany is a new comer in the commercial field as compared with England, but the Germans often surprise the English by their employment of effective and adequate means in dealing with the Chinese. The English resort to the expedient of entering into partnership with the Chinese, but the Germans effect their purpose by gaining over the Chinese through interest. The German Government deals directly with the Chinese Government and, gaining over the influencial members of the latter, recommends and supplies competent Germans when any changes in military or naval systems, &c.,

are made by the Chinese Government, or through the hands of interested officials cause German timber or other articles to be bought by the Chinese merchants. In short, while England tries to bind the hands and feet of China, Germany attempts to make use of her head, and they are doing their best to overcome each other in the combat.

* * *

But another party aims at competing with these two peoples for the coveted object. That is Japan. Before going into this subject, we should make some observations as to the foreign trade of Japan. Hitherto the Japanese have depended on tea and silk to maintain an equilibrium in their annual exports and imports. The Japanese tea trade has been gradually declining and has become so dull lately that a Government subsidy has been obtained for establishing the Japan Tea Manufacturing Company (Nippon Seicha Kwaisha), but even this does not seem to effect much, so that the tea trade of Japan will in all likelihood give place to the Indian tea trade. Almost a similar fate seems about to befall the silk trade. Japanese silk has also its competitors, but owing to the failure of the industry in Italy or to a similar result in America, the trade here for some time prospered. This however, was but temporary, and depression having set in the trade gradually came to present the miserable aspect of the present year. In fact, the tea and silk trades of Japan are subject to annual fluctuations, and show a general and gradual decrease in annual export. Consequently they cannot be taken as permanent and representative products of this country. On the other hand, if we look at the state of our trade in marine products we see that this branch of trade shows a steady and remarkable increase in the export to China, and are convinced that it will eventually take the place of tea and silk as staple products of this country. Our marine products have no rival. Their supply is inexhaustible, and the demand from China is also limitless, but it is vain to hope for their production in the barren seas of China. The Chinese cannot do without our marine products, but so far the supply only extends to a small portion of the vast Celestial empire. We do not go beyond the mark in saying that our trade in marine products with China means an inexhaustible supply and a boundless demand. We must add to this the export of goods produced by handicraft, such as matches, soap, &c. Our countrymen's skill in handicraft is so far above that of the Chinese that there can be no fear of competition in that respect. The Germans are endeavouring to introduce their home-made matches into the Chinese market, but here we have a great advantage over them in respect of our natural position. We can always make a better article at less cost, and it may be asserted that if we persist in endeavouring to develop our trade in these goods with China, we will succeed in monopolizing the Chinese market. There are numerous sources of wealth yet undeveloped in the interior of China. The Chinese have not yet gained any profit from their mines, and shrewd Englishmen have already begun to work them. In China the soil is comparatively poor, but it is good enough for the cultivation of the cotton plant. The Chinese have hitherto pursued this industry to a certain extent, but their efforts are confined to only a small portion of the waste tracts, and produce a limited quantity. This industry properly managed would be an important undertaking. Again, the transport business on the famous river Yangtze is so great that eighteen large ships, owned by three companies, running constantly on its waters, are scarcely enough to carry the goods that are heaped up in the warehouses. If such a powerful company as the Mitsu Bishi Kwaisha were to secure the necessary vessels and piers, &c., and enter the field of competition, the results could not fail to prove profitable. In short, China is a country with which we must be closely related in trade and industries, and we ask those who are interested in these matters to direct their attention to the quarter we have indicated.

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED.

...T SECRETARY.
Note by subject & file
aak
JAN 24 1891

No. 189.

Legation of the United States
Tokio Japan, Dec, 23, 1890.

DIPLOMATIC BUREAU.
JAN 20 1891

Mr. Swift:

To the Secretary of State:

Subject:

Reception by the King of Korea, of Commissioners from the Emperor of China conveying Expression of condolence upon the death of the Queen Mother of Korea.

Ack. as read
with interest.

J. D. H.

Jan. 29, 1891.

No. 189.

Legation of the United States
Tokio Japan. Dec. 23, 1890.

Hon. James G. Blaine.
Secretary of State
Washington D.C.

Sir:

I have the honor to enclose, herewith, for your information a clipping from the 'Japan Herald' of the 20th instant; purporting to give an account of the ceremonies that recently took place at Seoul Korea, on the arrival at that Capital of the Commissioners sent from Peking by His Imperial Chinese Majesty, to convey his condolence upon

upon the death of the Korean Queen Mother.

Under ordinary circumstances it would be out side the line of my duty and, perhaps, trenching upon the functions of my Colleague, Mr. Heard, for me to speak of Korean affairs at all. I, therefore, do so with an apology and add an assurance that I shall not make this a precedent for further action of the same kind.

There is a strong current of opinion in Diplomatic circles in Japan, to the effect that Korea is about to renew her old time relations with China; to once more acknowledge dependence; and to learn

can equally upon that Power for support; and that this result is being brought about by the influence of China on the one part, and the aggressive intrigues on the other of certain great European powers. Many of the European representatives in Korea are required to communicate all matters of political or diplomatic importance occurring there, to their colleagues in Tokio. Through this correspondence Korean events, are well known here in official and diplomatic circles, and much that goes on there, is, without any Effort on my part to inquire, brought with more or less accuracy to my knowledge.

H.

It is not known with absolute certainty, precisely what extent of submissive knee bending, and "kotowing" the Korean King actually did perform before the Imperial Commissioners on the occasion above named. But my information, obtained through one of my colleagues here, the Representative of a leading European State, is to the effect that by what took place, the Sovereignty of China was practically confessed so far as such a condition can be confessed by mere matter of official ceremony. This action was to all, outside of the actual participants in the ceremony, unexpected and has produced no little sensation in this part-

part of the world. In fact it seems to have taken every one by surprise, and has certainly caused much comment and discussion.

The facts themselves are disputed, part of the foreign representatives in Korea denying that any "Kotowing" was done at all; and asserting, on the contrary, that while the King did go out of the gate on the approach of the Commissioners, (whom this party call Ambassadors,) yet that he went out at a different gate, and did not actually meet them, and, at any rate, did not make any demonstration of submission — whatever. It is claimed by those who affect knowledge of Oriental

Oriental matters that the proceedings are of great importance. That they indicate a change of policy in Korea, and that important movements will take place in that country before long.

The representatives of some of the European powers here believe, or affect to believe, that there is a movement now actually going on in the East under the leadership of Great Britain, by which China and Japan, including Korea, are to be drawn into alliance with the countenance and good will of Great Britain, these Oriental countries to serve as a counterbalance against the enterprising schemes of

Russia

Russia. The good understanding that for the last few years ~~it~~ has been observed to be growing up between Great Britain and China, making such a marked contrast with their former relations of quasi war in aid of commerce, is pointed to as progressive steps in this important movement. It is asserted openly that the submission of Korea to China is part of the same scheme, and that a treaty with Japan, which Great Britain is now only waiting the pleasure of H. I. J. M's. Government to conclude, will be a further step leading to a general good understanding between Great

Britain

Britain and the chief Powers of
Eastern Asia exclusive of Russia.

I have the honor to be
Sir.
Your obedient-servant.
John A. Swift

Enclosure:-
Clipping from Japan Herald
Dec. 20. 1870.

Inclosure with Mr. Dwight's No. 189

The Japan Daily Herald.

SATURDAY, 20TH DECEMBER, 1890.

THE IMPERIAL COMMISSIONERS IN COREA.

The show is over. They have come. They have gone. The object of their mission has been accomplished.

Landing from the Pei-yang Squadron at Chemulpo, on November 6th, their Excellencies the Imperial Envoys, Messrs. Chung Li and Su O'hang were there met by Sim Y-t'aik, a President of the Home Office and Prefect of Seoul, the highest official in the Kingdom of Corea after the King. The Governor of the province of Kieng-hi accompanied him. An eunuch bore to them the card of His Majesty, another functionary, that of the Crown Prince. Escorted up to Seoul by way of O-ri-kol, the were met at Mapan on the 7th instant, by His Excellency Yuen Sie Kwai, Imperial Resident in Seoul, near the house of Se-simtcheng, where they spent the night The morning of the 8th they made their entry into Seoul with Imperial honours. Arriving with a train of some six hundred Corean mandarins, guards, and servants, they halted for a few moments at blue tents erected near the Yamên of the Governor of the capital province outside the West Gate, called Kieng- ki kam-yeung, and there His Majesty, who had come out from the city through the West Gate or Ton-i-saoun, and was waiting in a large white tent, executed three obeisances at the three Imperial Shrines preceding the Envoys, the two first of which contained presents of slight value, such as shoes of sycee, of silk, incense sticks and burners, the third draped in yellow silk and borne by eight men clad in yellow containing the Imperial scroll of condolence and eulogy. After partaking of some slight refreshment in their tents, the Envoys again entered their Corean palanquins, and the *cortége* swept onward to the strains of the royal band, to enter the city through the Soung-ye-moun, or Gate of Everlasting Courtesy.

Passing through the rigorously policed streets of the city, where all shops were closed and from which every booth which disfigured the main thoroughfares had been removed, and the cross streets masked with linen curtains, the Emperor's Deputies proceeded to the agglomeration of Corean and Russian buildings known as the Palace, whither the King had preceded them by a shorter route, and entering in their chairs with their attendants through the Kowang-ha-moun, that is, the shrines through the central portal, then through the Eastern one, were met at the first interior gate, Kentheng-moun, by Li Hi, the reigning monarch of Great Corea, who was stationed on the western side. The King and his suzerain's officials went to the Great Audience Hall; the Imperial Letter of eulogy and condolence was placed upon a centre table; the King kneeling performed four *k'o-t'os*. Then after burning an incense stick some eighteen inches long, His Majesty *k'ot'oed* once more.

The Envoys then conveyed the Imperial Scroll to the hall where upon a stand stood the mortuary tablet of the deceased Queen. The King kneeling down respectfully read it, and wailed three times: "I go! I go! Alas! Alas! Alas!" Knelt again three times, *k'o-t'oing* thrice each time calling out in a loud voice: "Wan souei! Wan souei! Wan! Wan souei! Ten thousand years! Ten thousand years! Ten times ten thousand years!" All the civil and military officials present then knelt and repeated the same ceremonies and the same cries. The bugle flourished and the bands played.

The Manchu and Mongol officers, rising then made three obeisances before the tablet only, and wailed three times in the Manchu language: "Uhu! Uhu! Uhu!"

Prior to entering the Tablet Hall, both Envoys, retiring to yellow silk tents, changed their costumes for black robes, as did also His Majesty, who appeared in the unbleached hempen cloth indicative of the deepest mourning.

Again changing their costumes the representatives of the Son of Heaven met the King in a chamber in rear of the Audience Hall; where kneeling once, he performed three *k'ot'os* to each of them, a compliment acknowledged. Wine and tea were served in porcelain and silver cups; *k'ot'os* made by the officials were taken no notice of.

Going back to the Audience Pavilion, the lesser Kingdom again recognized the suzeratinty of the Greater Empire by its Sovereign kneeling and executing four *k'ot'os* as the Emperor's Envoys took their leave, the disregarded presents of the Monarch to His Suzerain's officers being left upon the Eastern table of the Great Audience Hall, the incense burners occupying the Western table.

They then withdrew to their specially reserved residence formerly known as Lipin-se, a hall for the receiving of honoured guests, now styled the Nam-pel-kang, or Southern Palace, fitted up to them at the expense of the Corean King.

The 9th being the anniversary of the death of a member of the Imperial family no visits were interchangeable, and was spent by King and Ministers resting from the fatigues of the previous day.

In spite of Declarations of Independence, tri-authors of ungrammatical pamphlets, to say nothing of treaties, the right of justice high and low, passed into the hands of the Imperial Envoys, as also the disposal of the keys of the capital, the signal for the opening and closing of which was—except on the ninth—daily given, morning and evening, by three guns fired consecutively from the Nam-pel-kang.

Large numbers of the highest Corean officials with troops camped in the spacious courtyards of the Southern Palace, in constant attendance upon the Chinese mandarins.

On the 10th instant, His Majesty, with his customary escort, horse, foot, and artillery, entered the Eastern Gate af the Nampeli kang, changed his garments for blue robes significant of half-mourning, in a small house in the second courtyard, sending in by his Supreme Councillor of State two very large white cards with his name inscribed thereon in microscopic characters at the bottom. As the Imperial Generals saw the cards, they said: "Ching!" "Please come!" The King passing into the third enclosure, which had been carpeted with straw mats, took position in a tent in its west side, the Emperor's representatives facing him in two tents on the east side. The King bowed to the senior Envoy, who returned the salutation. An inclination to the second Minister was also recognised Mutual inquiries concerning each others health were made through the medium of interpreters, who grovelled on the ground between the tents. His master's deputies preceding him, the King followed them, they through the eastern portals. His Majesty through the western, to the grand pavilion. Upon already spread tables a repast was served, the food coming ready prepared from the Palace, but in this instance, as in all others, the envoys declined to accept the silver plate upon which their viands were daily served. Each sat at separate tables.

During the repast according to the rites, the King asked the envoys thrice to remain a few days longer, a request politely declined on the ground that they must promptly return and report to the Throne.

After the banquet, which lasted perhaps an hour and a half, the King emerged and was taken

leave of in a manner similar to that in which he had been received, changed his clothes, and again returned to the Palace.

The 11th instant the ceremony of the departure of the Peking officials from the Governor's residence outside the West Gate was substantially the same excepting that the Great Curfew Bell, "In Kim," meaning "men prohibited," formerly rung only at nights to clear the streets of males, so women could walk abroad, was tolled as His Majesty left the Palace. Being the first to arrive at the Yamèn, he awaited in the central white draped pavilion the arrival of the Emperor's Envoys who arrived about a half an hour later, obtaining access to the roy al presence after an interchange of compliments carried to and fro by aide-de-camps bearing arrows—indicative of speed. Then the procession moved riverwards to the western coast, so true is it that westward the course of Empire takes its way, being escorted by Y You-sung, an honorary guard of His Majesty, and their previous retinue.

Seoul, Corea, 19th November, 1890.

DIPLO[illegible]REAU.

JAN 26 1891

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED.

No. 190.

[illegible]TANT SECRETARY.
[illegible] 26 1891

Legation of the United States,
Tokio, December 28, 1890.

Ack'd 27th Jan'y 91 Mosher.

Mr. Swift
To the Secretary of State.

DIPLOMATIC BUREAU.
Jan 31 pm
To Denby
31 pm

Subject:
Rumors of Japan's Closer Relations with China.

No. 190.

Legation of the United States,
Tokio, Japan, December 29, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

It is thought by some Observing to watch the drift of things in Japan that one result of the reaction against too rapid "westernization" is developing itself in a tendency to draw closer to China.

It was reported some time ago that Count Ito, after the close of the Diet would go as Ambassador to the Court of Pe-king to adjust the delicate relations between the two countries. And now an

said to be
an alliance is thought of as a means
of recovering those sovereign attributes
that both countries have stipulated away
in treaties with western powers, namely,
jurisdiction over foreign residents and
sovereignty as to trade regulations.

Without expressing any opinion as
to what foundation, if any, may exist
for these rumors and insinuations, I
call your attention to that portion of
the remarks of Viscount Aoki in
his speech of the 17th. instant in the
Diet, a copy of which goes with
another despatch, which refers to
China and the relations between Japan
and that country, as being worthy of
note while considering the subject.

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192.

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I have the honor to be,

Sir,

Your obedient servant.

John F. Swift

DIPLOMATIC BUREAU
JAN 26 1891

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED.

No. 191

STANT SECRETARY.
AN 26 1891

Legation of the United States.
Tokio Japan. Dec, 23, 1890.

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Jan'y 21 Mailed

Mr. Swift:
To the Secretary of State.

Subject:
Receipt of instruction No. 104.

No. 191.

Legation of the United States.
Tokio Japan. Dec, 23, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington D.C.

Sir:.

I have the honor to make special acknowledgment of the receipt of your instruction No. 104. dated Oct-2, 1890. expressing at some length the views of the Government with respect to the relations of the United States with Japan. I shall study the instruction carefully and endeavor to govern my actions accordingly.

In following the general instructions

instructions of the Department to all diplomatic agents, requiring me, as I understand them, to give from time to time all attainable information tending to throw light upon the political and diplomatic situation here, it will be my endeavor, while refraining from setting in my own mind upon any final opinion, to continue to suggest for your consideration such views and opinions as seem for the moment not unreasonable as aids to you in arriving at final conclusions when such come to be necessary.

In pursuing this course I shall make no attempt at reconciling

reconciling views I may have seemed to favor when I first arrived in Japan with those towards which I may incline after further observation and experience, but shall give present views only, changing them without hesitation whenever I find myself to have been in error, submitting them for what they may be found worth. I am moved to make this ordinarily quite unnecessary statement by the consciousness that I am continually seeing things in a new or changed light; and am impressed with the futility of any attempt at maintaining a

line

line of even tentative opinion that can be called consistent with itself.

I have the honor to be

Sir.

Your obedient servant.

John H. Swift

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED

DIPLOMATIC
JAN 26 1891

No. 192.

ASSISTANT SECRETARY.
JAN 26 1891

Legation of the United States,
Tokio, Japan, December 24, 1890.

Ack. 5. '91.
Dft. Smith
Moore.

Mr. Smith
To the Secretary of State.

Subject:
Speech before the Diet by the Minister of Foreign Affairs; and Proceedings incidental thereto.

No. 192.

Legation of the United States,
Tokio, Japan, December 24, 1890.

Hon. James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

Under the Constitution of Japan the Ministers of State or Cabinet Officers, though not possessing a seat in the Legislature a voice in the deliberations of the Diet, may be required by a resolution of either branch of that body to appear and answer questions as to the measures or policy of the Government, each Minister in the matters pertaining to his particular Department.

On

On the 17th. instant Viscount Aoki in obedience to an order of the House of Representatives, addressed that body in a speech of two hours length, explaining or declining to explain the policy of the Government in its relations with foreign Powers and specially as to the present stage and condition of negotiations looking to treaty revision, including the character and provisions of all pending treaty projects.

I enclose herewith newspaper clippings showing as completely as possible the proceedings in the Diet bearing upon this incident, with the best translation to be obtained of the speech of the Minister of Foreign Affairs.

The importance of the events now transpiring

transpiring in the Diet, not only in their bearing upon the relations of Japan with foreign powers, but upon the internal affairs of the country still, I am sure, occur to your mind at once without a suggestion from me. I therefore have only to commend the enclosed papers to your careful perusal and attention.

I have the honor to be,

Sir,

Your obedient servant,

John F. Swift

Enclosure: Clippings from Japan Mail, Dec. 19 & 20, 1890.

Japan Herald, Dec. 16, 1890.

Encl. with Mr. Dwight's No. 192.

The Japan Daily Herald.

THURSDAY, 18TH DECEMBER, 1890.

THE Government does not seem to get on very smoothly with the Diet. A few days ago we had the dispute between the Representatives and the Minister of Justice, a dispute which is not yet settled, and on Tuesday, after the speech of the Minister of Education, the debate upon the motion to postpone the coming into effect of the Commercial Code, was resumed. There has been a very strong feeling that the attempt to enforce this new code so early as the new year was unwise, and this view was strongly sustained in the House of Representatives, as the motion to defer the coming into force of the new Code was carried by a majority of nearly three to one, the votes being 189 against 67. If the views of the new Diet are to have any weight with the Government, the latter will feel bound to bow to so pronounced a decision, and to postpone one of their pet schemes.

WE give, this evening, a portion of the speech of Viscount AOKI, upon treaty revision, but it is very long, and the remainder we must withhold until to-morrow. The Minister of Foreign Affairs, like his colleague of Justice has, it appears, come into collision with the Representatives. After his speech was finished, several of the members rose to question him thereon, but whilst Mr. TANAKA SHOYO was addressing the House, Viscount AOKI withdrew. The Representatives then got mad, and Mr. YAMADA TOJI moved that it was very improper for the Minister to withdraw without making any reply to the questions put to him, and that he be required to attend again on the 18th. This resolution was passed, after a stronger one to the effect that even Ministers of State should obey the directions of the President of the House; that it was impolite for the Minister to return home without asking for permission; and that he therefore be required to attend again that night, had been rejected. Evidently it will not do to attempt to ride roughshod over the new legislators, and they seem quite capable of asserting their own rights.

ON the assembling of the House of Representatives yesterday, the President announced that several motions had been submitted, one by Mr. SUYEHIRO for the amendment of the Rules of the House, another by Mr. ARAI SHOGO for an amendment of the Law of Election of members of the House of Representatives, and the third by Mr. OYAGI BICHIRO for an amendment of the Law of Organization of Courts. He then intimated that Viscount AOKI would deliver a speech previous to the discussion of matters before the House. Mr. ARAI SHOGO, with the permission of the President, then stated that he required a more minute reply on the questions submitted the Government on the 9th inst., relative to the revision of the treaties. The question of treaty revision was one of long standing, and during that time many attempts had been made but failed. This was due to the want of co-operation between the Government and people, for which they were very much ashamed, but as the Cabinet had heartily exerted itself for the purpose, he would not blame them for what had occurred in the past. What he wanted to know was the steps the Cabinet intended taking to accomplish their ends. Those who hold opposite views may argue that there are many things in diplomacy which required secresy, therefore the work should be left exclusively in the hands of the authorities. But there are matters which should be kept secret and which should not. Such a matter as the military scheme should no doubt be kept secret, but he thought that this was not necessary in regard to the question of treaty revision. It was impossible for treaty negotiations to be brought to a head unless the peoples of both countries were agreed on it. As a matter of fact, although everything was supposed to have been kept secret, the conditions thereof were always conveyed to them through foreign newspapers, as was the case the year before last. Oriental statesmen are somewhat prone to be assuming, and inclined to disregard public opinion, alleging that they have experience of the business before them, and that the views of green students were unworthy of being taken into consideration. He hoped they would not fall into the same error. The points they required information upon were, 1st, the history of treaty revision up to the present day; 2nd, the present progress of the work; and 3rd, the policy of the Government in connection therewith. He also wanted to know the date of the abolition of extra-territoriality and of autonomy in duties, whether it was intended to engage foreign judges in the future, and whether mixed residence would be allowed or not, and if allowed, the date of its inception; whether the possession of personal or real estate would be allowed foreigners. He also wished to learn the circumstances attending the resignation of the Cabinet in connection with treaty revision, and he added that he would probably ask some questions on the speech itself should there be anything therein he could not understand. Viscount AOKI then rose and delivered the following speech, occupying over two hours in its delivery:—

Enclosure with Mr. Smith's No. 192.

The Japan Daily Mail.

YOKOHAMA. FRIDAY, DECEMBER 19. 1890.

IMPERIAL PARLIAMENT.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, DECEMBER 17TH.

The following is a translation of the first half of a speech delivered by the Minister of State for Foreign Affairs in the House of Representatives:—

GENTLEMEN,—The 4th item of a series of interrogations addressed by Mr. Arai Shogo, and other members of this House, on the 9th inst., to the Minister President of State, had reference to Treaty Revision and to the Government's policy in respect of it. I hope to be able to offer you such an explanation of these matters as will prove satisfactory. But whether it will or will not prove satisfactory is a point about which I can offer no prediction, for, as you are well aware, the foreign affairs of a country differ from its domestic in this that the limits of essential secrecy are very narrow. Observing those limits, it is possible that I may not be able to offer a full statement in reply to the original question, still less to the detailed queries which Mr. Arai has just submitted. I will try, however, to be as explicit as possible. I must, however, preface my remarks by a few words. Yesterday, when the Vice-Minister of Justice in addressing the House referred to the Imperial Prerogative, the House, or to be more correct, several of the members, uttered, I understand, expressions of dissatisfaction. But I must ask you to recognize clearly that I stand in a different position here to-day from that occupied yesterday by the Vice-Minister for Justice. If this House interprets the 13th Article of the Constitution in the exact sense of its language, nothing more need be said; but for my part, whether I read that Article by the light of European Constitutions or as a part solely of the Japanese Constitution, I am resolved to discharge the duties devolving upon me in accordence with the limits of the Imperial Prerogatives as they are there defined. Nevertheless, it is not my intention for a moment to build myself a rampart with those prerogatives and my own official duties, and to screen myself behind it against your enquiries. I wish to speak, and I must speak. I will therefore do so in accordance with my interpretation of the freedom permitted to me as Minister of Foreign Affairs. One word more by way of prelude. "Consult public opinion; consult public opinion," insisted Mr. Arai in his speech. Certainly, I consult public opinion. The Ministers of State also have not the smallest idea of dealing with this great question merely in obedience to the dictates of their own unaided notions and opinions. Still less have I any such idea, as I think you will perceive from what I am about to say to you. Yet another word. Mr. Arai has just told you that official secrecy has its degrees and limits, and that, although in military affairs secrecy may be imperative, in diplomatic affairs he does not see its necessity. But I think that, according to the circumstances of the case, it is impossible to distinguish the point where reticence may end and candour commence. Mr. Arai asked also what had been the result of the resignation of the Cabinet last year, but I question whether it devolves entirely on the Minister of State for Foreign Affairs to expound that point. The problem of Treaty Revision presented itself 18 or 19 years ago, and some of you are doubtless well acquainted with the facts relating to it, while some may be less fully informed. At the risk, therefore, of making my speech somewhat long, I propose to explain to you how the question arose, how it subsequently fared, and how it has to be treated in the future. The first Treaty between Japan and a Foreign Power was made in 1854; it was the Treaty with America concluded by Commodore Perry. Then followed the treaty with Russia in the same year, and the Treaties with England and Holland a few months later. You may not be aware of the spirit of those Treaties, so I crave your indulgence while I explain it. At that time Japan was a closed country. Her only point of contact with Foreign Nations was the little island of Deshima, and the Treaties were consequently very incomplete. They included little more than provisions rendering our ports accessible to foreign vessels in distress, and they did not extend to any detailed conditions whatsoever. They contained nothing about customs duties or tradal questions. By degrees national affairs developed, and in 1857 the Treaty of Shimoda concluded with America, followed by other Treaties in 1858, gave us the first compacts that fairly deserved to be called Treaties. Then for the first time provisions relating to trade made their appearance. These were Treaties with America, with Holland, with Russia, with Great Britain, and with France. Permit me to take you back to the period preceding these Treaties, and to recall events which are a source at once of regret and satisfaction to us to-day. In the treaty concluded with Russia in August, 1858, the 14th Article was of great value. It was a provision securing extraterritorial rights equally to both the high contracting parties. Thus if Russia became entitled to have consulates in Japan, for the control of her subjects visiting or residing in this country, Japan also became entitled to have consulates in Russian dominions, where her own subjects should be tried and punished according to Japanese law. Doubtless it was due to the friendship then existing between Japan and Russia, that the extraterritorial clause in the Treaty was framed so as not to inflict any humiliation on Japan. Of course the state of our intercourse with Russia at that time was such that very few Russians came to Japan, and very few Japanese went to Russia, nor did the vague and incomplete character of the treaty help to develop that intercourse. Still, as I have just explained, commercial relations with foreign countries were for the first time established by the treaties then concluded. The provisions in those treaties relating to customs duties were divided into four classes, but if I should attempt to give you a detailed explanation of the items in these four classes, I should need greater eloquence than I possess to complete the task before to-night or to-morrow morning. I shall therefore refrain from making the attempt, more especially as you can obtain all the necessary information by consulting the published volume of Treaties and Conventions. I may exlain, however, that the Customs Tariff then fixed was decidedly advantageous to Japan. You must not forget, however, that a disadvantagous condition was also inserted at that time. As the saying is, every profit has its loss, and if we gained an advantage in one direction in 1858, we suffered a disadvantage in another, namely in respect of the judicial arrangement. To confine ourselves to the Tariff, however. In the Trade regulations accompanying the Treaty, it was provided that the Tariff should be subject to revision five years after the opening of the ports at the desire of either of the high contracting parties. But even this was not without its disadvantage, since it brought the question within the domain of international politics. Thus when in 1862 and 1863, there occurred the affairs of Kagoshima and Shimonoseki, affairs to which I have no desire to allude in detail, and which you gentlemen do not, I am sure, wish to have recalled, results ensued which produced a disastrous effect upon our Treaty relations. These results are to be found, as you are doubtless aware, in the Convention of 1866. The Representatives of the four Powers chiefly concerned in the Shimonoseki affair, namely, England, France, America, and Holland, stipulated that Japan should pay an indemity of 3,000,000 *yen*, but offered to remit one third of the amount if she agreed to open the ports of Kobe and Osaka at once to foreign trade. Further, these incidents exercised a most injurious effect upon our Tariff arrangements, for whereas under the former Tariff certain articles had been subject to a duty of 20 per cent., and certain others, as for example alcoholic beverages, to a duty of 30 per cent., the Government, in its

then disturbed condition, was obliged to consent to a general lowering of all the rates to 5 per cent. Thenceforth the consequences of these misfortunes were felt in all diplomatic arrangements. The Treaties concluded with Germany and Austria, immediately before or after the commencement of the Meiji era, confirmed and perpetuated these tariff stipulations. The history of that time does not clearly show whether the negotiators concluded these treaties with a full knowledge of their injurious nature. I think, however, that they possessed such knowledge, but were influenced by another consideration, namely, that in the Treaties of 1858 it was clearly provided that Japan would be entitled to claim Revision in 1872, and the negotiators consequently looked forward to effecting a new and satisfactory arrangement at that time. This was perhaps a superficial view to take, yet I am inclined to think it was taken. The Treaties concluded with Germany and Austria in 1869 had an undoubtedly grave bearing upon Japan's administrative and legislative autonomy. In the years immediately preceding the conclusion of these Treaties, national affairs and international intercourse had greatly developed, and the consequence was that the provisions of the Treaties of 1869 relating to jurisdiction and commerce were of a minute and detailed character. Thus in respect to extraterriorial jurisdiction, the powers exercised by Foreign Consuls, and the functions devolving upon Japanese tribunals, were set forth with incomparably more exactness than had been the case in previous covenants. The most disadvantageous feature of these Treaties was contained in the 19th Article of the German Treaty and the 22nd Article of the Austrian Treaty. I refer to the most-favoured-nation clause. Whether or no public opinion in Japan has been directed to this question, it is certain that numerous newspapers have discussed it, and that in the West it has been a topic of constant argument between learned men, politicians, and international jurists. Only now has something like a definite conclusion been reached. The provisions of this most-favoured-nation clause are very wide. "Whatever rights and privileges," it says, "are granted to any other Power must be granted also to the Power concluding this treaty." The effect of this clause upon the legislative and administrative autonomy of our country is most serious. Thus not only did the empire suffer grave injury from the Treaty of 1866 in respect of fiscal affairs, but also from that time a distinction between foreigners and Japanese was established in judicial matters. In a word, both our tariff autonomy and our fiscal autonomy were seriously impaired by that covenant. But privileges when they are once granted by treaty, become, as it were, the rights of those to whom they are granted, and cannot be revoked at will. What may be accomplished by force of arms is a question apart, but to achieve the revision of a treaty by peaceful means is a task of great difficulty. However, the Treaties concluded up to 1869 becames subject to revision in 1872 under the provisions of the Treaty of 1858, as I have already explained. A year's notice had to be given. Count Soyejima was then Minister of Foreign Affairs, and His Majesty the Emperor sent a mission consisting of Iwakura, the Second Minister of State, Kido, Okubo, Count Ito and others to America and Europe, a proceeding which constituted the first step in the work of Revision. It was beyond question that in the year 1872 of the European calendar the Treaties became subject to revision, and the despatch of a special mission to the West was in consequence of that fact. Here, gentlemen, I would beg your attention to one point. The journals at present urge upon me the necessity of revising the Treaties, but at the same time declare that preparations sufficient to secure that object should be made. Now I ask you whether Iwakura Udaijin had made preparations or whether he had not made preparations; whether he considered preparations essential or whether he did not consider them essential. If this independent empire clearly possesses by treaty the right of Revision, what are the preparations that should be made? Preparations is a word to which a narrow import or a wide import may be attached. The preparations which I am asked to make to day are apparently very extensive. Eighteen years ago, in 1872, what preparations had the Government made? Preparation or no preparation, the right of Revision was vested in the country. No preparations are needed, I think, to establish this country's right. It is the duty of the Government to revise the Treaties. In the discharge of that duty, no preparations are needed. It is a duty that must be performed. Iwakura then, proceeded to America in 1871 and opened negotiations with the Government of that country. Probably some of you are unacquainted with what happened at those negotiations. This is matter of history no longer secret, and I should willingly tell you all I know about it if time permitted. It will be enough to say, however, that beyond question the vindication of this country's Sovereign rights, the recovery of her tariff and judicial autonomy was the prime purpose of the negotiation. Apparently the time was not ripe, however. The proposals advanced by us elicited counter-proposals of an embarrassing character. Our Government did not approve of them, and it was found impossible to continue the negotiations. Then, in 1875, when Count Terashima held the portfolio of Foreign Affairs, it was recognised that the Treaties could not be left for ever unrevised. Once more the question was raised and the task essayed. For, as I have just told you, the Government has never for a single day failed to appreciate that the Treaties must be revised, that the country has a right to their revision, and that the duty of the Administration is to revise them. Not for a day has the work been neglected. The story of Count Terashima's attempt I need not tell you. It is an open secret, but its details do not concern us here. With regard, however, to the object of Revision, the recovery of the country's tariff autonomy, the state of the nation must be considered. There were as yet no proper laws, and our ideas about law as well as our customs differed so much from those of Europe that to obtain Western consent to the abolition of extraterritorial jurisdiction seemed a hopeless task, and the recovery of our tariff autonomy was made the prime aim. I cannot here attempt to describe minutely the procedure adopted by Count Terashima, but with regard to the failure of his proposals, the cause was very significant. The Treaty Powers judged that Japan contemplated protective duties, and pressed her to explain what staples of manufacture she intended to protect. England is a free trade country. The rest of Europe, though not altogether free trade in practice, is tolerably unanimous, and, at all events, is not prepared to give its consent to any protective measures of which the precise purpose is not known. I cannot certainly say that this was the cause of the difficulty, but I imagine that it must have been. The Government was not deterred by these failures. It continued its efforts, and in 1878 re-opened negotiations with the United States, concluding a Treaty which is now well know to everybody. It was a Treaty of only 10 Articles, and the negotiator was Count Yoshida, now a Member of the Privy Council. It contained a clause, however, providing that the Treaty should not go into force unless a similar Treaty were concluded with other Powers. The others, however, could not be induced to consent, and so this Treaty with America became of no value. In 1880, Count Inouye became Minister of Foreign Affairs and put forward a draft of proposals for Revision. Count Inouye's idea was not to confine himself to one side of the question. He considered it insufficient to recover Tariff autonomy alone or judicial autonomy alone. Both must be recovered, and the next question was how far this could be recovered. Count Inouye devoted all his efforts to gaining support for this view, and at last in 1882, he succeeded in inducing the Foreign Powers to open a Conference in Tokyo. This is matter within the knowledge of you all. The object of this Conference was to consider the proposals put forward by Count Inouye for the recovery of the country's Tariff and Judicial autonomy, and to determine how for Japan's de-

mands might be complied with. The various points raised at this Conference were very numerous. Time forbids me to repeat them in detail, but the principal of them related to Consular Powers, the Powers of Civil Courts, the Powers of Criminal Courts, Executive regulations, regulations for the Harbours and Settlements at the open Ports, rules as to the renting of land, rules relating to religous affairs, Tariff regulations, Trade regulations, rules relating to Coast-wise Trade, to Light-houses, to Harbours, to Harbour dues, to Tonnage dues, to the chartering of Foreign Ships by Japanese subjects, rules relating to casualties at Sea, Laws of neutrality, the question of the operation of the Treaties, and so forth. With regard to this last point, a mistaken notion prevailed among Foreigners and Japanese, that no limit had been set to the operation of the Treaties. In point of fact their term was expressly limited to 1872, but in the course of years repeated failures to effect revision and their continued operation led people to regard them in the light of an established institution and ultimately to count them as a right. The basis of Revision having been approximately fixed at the Conference in 1882, an enlarged and amended scheme was put forward by Count Inouye in 1886. It did not at that times appear that foreign Powers would easily consent to our proposals, whether because public opinion abroad was not sufficiently advanced, or because the general conditions were not favourable, but Count Inouye none-the-less pushed the undertaking with the greatest zeal. It was, however, found impossible to bring the negotiations to a successful issue, and at this stage two of the Powers presented a new scheme which seemed at once shorter and in some respects better then the previous programme. This was made a new basis of negotiations in the beginning of 1886. The principal question of discussion related to jurisdiction. The Tariff question was separate and I, as second delegate, was connected with it. Numerous obstacles presented themselves in the course of the negotiations about Jurisdiction. One side wanted one thing, another something else, and no satisfactory result could be reached. In July Count Inouye came to the conclusion that the proposed Treaty contained Articles greatly opposed to Japan's interest, and that it would be unwise to conclude it. When I say that this was Count Inouye's opinion I am not telling you something which is distinctly recorded, but am only giving you my own belief. I believe that Count Inouye's opinion was that if Japan concluded a treaty imposing such restrictions upon her judicial powers she would be taking a dangerous leap in the dark. He consequently broke off the negotiations, and the question was dropped for a time. This takes us to the close of 1887. I may remark here that the Foreign Office has had to deal with the Representatives and Plentipotentiaries of 17 different Powers and to consider the wishes and suggestions of each. A more complicated task it would be difficult to conceive. I myself have had experience of it, and I think that the energy shown by Count Inouye in dealing with such a problem is worthy of all praise. Count Inouye was succeeded at the Foreign Office by Count Ito, who combined the office of Foreign Minister with that of Minister President. During Ito's short tenure of the Foreign portfolio the question of Treaty Revision was not raised. Not that Count Ito had forgotten it, or that he did not recognise that Japan was entitled to Revision and that she was bound to accomplish it. But Count Inouye's resignation had only just taken place and although Ito may have had in his mind a scheme of Revision it was not reduced to black and white. The question remained in abeyance until Count Okuma became Minister of Foreign Affairs in 1888, when as you are aware it was again raised. There was no striking difference between the programme of Count Okuma and that of Count Inouye. The former was in fact based on the latter. Count Okuma's proposals, however, as compared with Count Inouye's were greatly simplified in respect of the jurisdiction question. If we represent this item by 10 in Count Inouye's proposals it will be represented by 2 or 1½ in Count Okuma's. Moreover, during Count Okuma's tenure of office many questions which had been handed down from Count Inouye's time were settled. Count Okuma also adopted the plan of separate negotiations with the various Powers, and in this respect his policy differed from that of Count Inouye. Count Okuma's view was that no hope could be entertained of coming to an agreement with 17 different Powers collectively, and the justice of this view was proved by the success of his labours which actually led as you know to the conclusion of Treaties with America, Germany, and Russia, the terms of which are an open secret. These Treaties have not been published, but it is beyond all question that they were great improvements upon the Treaties elaborated in 1887. Nevertheless, public opinion rebelled against them, and the Government itself was greatly affected. You will allow me to pass briefly over this part of my subject too painful to dwell upon. The Treaties were not ratified and consequently could not be carried into effect. Thus since 1872, this question has been raised time after time, only to fall again by the weight of the difficulties attaching to it. The Government has been not a little affected by the incidents of this difficult problem, yet the Government has not abandoned the work. If it did so it would fail in its duty to the country—fail in asserting important rights which this Empire undoubtedly possesses.

IMPERIAL PARLIAMENT.

HOUSE OF REPRESENTATIVES.

The following is the continuation of Viscount Aoki's speech:—

If you ask me why this question of Treaty Revision cannot be abandoned, I answer that whether from the Government's point of view or from the people's, or from yours, who represent 40,000,000 of our countrymen, it has been established since the first year of this Meiji era that the Revision of the Treaties is among the national duties. I say so because of the Imperial Oath taken at that time, in accordance with which you, the Representatives of the people, are assembled here-to-day, and are enabled to discuss the affairs of the nation under the provisions of the Constitution. That first Article spoke of the duties devolving on the nation and among them Treaty Revision is, I think, included. Fully convinced, then, that Treaty Revision is an imperative duty, the Government has again, since last year, considered the question in all its bearings, and though perhaps I ought not to mention this, has discussed in the fullest manner the point of who should be entrusted with the task. The sequel of these deliberations was that I was appointed to the duty, and while I am well aware of my own want of strength, I can assure you that I have never under rated, I do not now underrate, the difficulties of the task. Whatever may be my capacities, however, I have received His Majesty's gracious commands to devote myself to the work, and I cheerfully obey them. Considered from another point of view, there is additional reason why this problem of Treaty Revision cannot be abandoned. Account must be taken of the friendly disposition displayed towards Japan, and the appreciation of her progress shown by the Goverments of Foreign States since the time of Iwakura, down to the period covered by the negotiations of Counts Inouye and Okuma. History will one day tell you how many and of what nature were the proposals made to our Government by Foreign Powers in the course of the various negotiations to which I have alluded. It is beyond my province, however, to give you a detailed account of those proposals. What I am

at liberty to tell you I will state briefly. The first thing which I can tell you is that Foreign Governments appreciate the progress made by Japan since the Restoration; progress in government, in administration, and in legislation; understand that with such a record behind us there can be no halting in the future, and believe that this nation deserves to be included among the friends of Western peoples. Guided by these sentiments, they have consented in a measure to Japan's demands. When, however, I became Minister of Foreign Affairs and found myself charged with this exceedingly difficult task, an idea occurred to me, which I ventnre to explain, not, I pray you to believe, with any reference to myself, but simply as a part of the problem. I thought, and I still think, that the Minister of Foreign Affairs cannot afford to devote himself from morning till evening and from Spring to Fall to the task of Treaty Revision. He has other duties to perform; duties connected with the foreign relations of the Empire. I think you will understand that the policy to be adopted by this country in its dealings with other nations requires the close attention of the Minister of Foreign Affairs, and that many points arise in connection with it which, although they may not have presented themselves with equal insistence to your statesmen ten or fifteen years ago, are now matters of great moment, demanding no less care than Treaty Revision. Ever since the Formosan affair, a belief seems to have obtained that Treaty Revision should occupy the whole vista of foreign affairs, and the eyes of the country have been firmly fixed on the four ideographs *joyaku kaisei*. Of the many difficult problems arising after that event and partly in connection with it, problems having deep concern for this Empire, whether considered from the point of view of its own dignity or from the point of view of its position in the Orient, of these problems little thought has been taken by the public. People have made the mistake of imagining that Treaty Revision was the only grave feature of our foreign policy, and of this mistake I was fully sensible when I assumed the portfolio of Foreign Affairs. I felt then and do still feel that the whole question of our foreign policy demands the deepest thought, and, in determining it, the points that first present themselves for consideration are the position this Empire occupies and the capacity of its inhabitants. As for the position of the country, everybody is aggreed that it is excellent. If you look at the map of the world, you will see that America has her back turned to us, and that on her western coast, thousands of miles away from our shores, no good port lies open. Europe is no less distant from us for all practical purposes. But here in Asia the case is very different. At your doors sits a nation of 270,000,000 people, ready to take your manufactures and products and to give you its own in return. Look at the coal-fields of your own country in the north and in the south. Are not these land-marks set by nature to indicate the position your country ought to take? This coal, and other products which I need not enumerate, invite you to make use of them for the development of the national wealth, and tell you plainly that it is your duty to cultivate the technical knowledge and enterprise, and to raise the capital necessary for taking advantage of these natural gifts, and to offer them, not to countries seperated from us by thousands of miles of rough seas, but to countries which stand smilingly at our doors inviting us to be their partners in trade and industry. As to the second point, namely, the capacity of the nation, I think there is not much room for doubt. This nation possesses a reasonable measure of what in Europe is called generative power, and the growth of its population may be safely anticipated. Moreover, in respect of moral endowments, I do not think there can be any question as to the capacity of this nation. Occupying such a position, and posessing such capacities, why is it that the people of Japan do not devote more thought to the foreign policy of the Empire? If you go back in your own history to the Ashikaga era, you will find that the men of southern Japan whom some may perhaps call pirates, launched themselves in little boats and harried the coasts of China with its hundred millions of people, coming and going at will and taking and leaving at will. Surely it seems somewhat petty that the descendants of such men as those should allow their mental vista to be occupied entirely by the four ideographs *joyaku kaisei*. It seems to me that larger subjects invite their attention. The present, however, is not the occasion for me to dwell at length upon this phase of our foreign policy. Further, in speaking thus, I do not wish to underrate the importance or the difficulty of the Revision problem. The solution of that problem may in truth be called the ladder by which the country can ascend to those larger spheres of activity of which I have just spoken. For eighteen or nineteen years our statesmen have been devoting their best energies to the solution of this difficult question, and its settlement is unquestionably necessary. Persuaded of this, the present Cabinet has given much thought to the subject since last winter. We feel that Treaty Revision is no question of party politics, but that it concerns the whole nation of 40,000,000. In considering the course that ought to be pursued with regard to it, the Government has spared no pains to arrive at a clear conception of the trend of public opinion and the views held by the nation. Only now is it possible to meet and consult with you, gentlemen, the Representatives of the people. It has been necessary hitherto to have recourse to other channels of contact, as for example the public press. I do not purpose to weary you by entering at length into this point, but with your permission I will quote some of the principal opinions put forward in the press. Thus, in November of last year, a newspaper told us that Consular jurisdiction and mixed residence could not exist side by side, and that the latter must be regarded as the price with which to purchase the abolition of the former. Another journal declared that it did not object to mixed residence, but that it did object to the combination of mixed residence and Consular jurisdiction. Another said that the two points of criticism in the former scheme of Revision were the granting of mixed residence without the abolition of Consular jurisdcition, and the permission given to foreigners to own real estate. It added that although everything else was not absolutely satisfactory, the amendment of these two points would content it. Another averred that the employment of foreigners in the capacity of Judges and the giving of any pledge as to the period for the compilation of the Japanese Codes of Law, were opposed to the national dignity. These, you may say, are only the opinions of the editors of newspapers. But they are Japanese newspapers. A large number of views have been expressed in journalistic columns on this subject, but their gist is contained in the extracts which I have just read to you. The *Fiji Shimpo*, in one of its issues of last December, said that Count Terashima had failed over the Tariff question, and Count Inouye over the jurisdiction question, and asked whether the Government ought not to revert to the Tariff problem. This is not the Government's view. Count Inouye, as I have told you, and Count Okuma after him, were equally persuaded that the problem must be dealt with in its entirety, and that Tariff autonomy and Judicial autonomy must be recovered together, and such is my policy also. As for the other points made by the journals which I have quoted, I trust you will not imagine that such things ever lacked the Government's appreciation. It was not, you may be sure, of Count Okuma's own choice that any engagement was given with regard to the time when the Codes of Law should be compiled. Doubtless he could not avoid some such concession.

But on this point I hope, with the approval of His Majesty and the consent of the Cabinet, to make an arrangement such as shall satisfy you. This, however, is precisely one of those questions which present most difficulties to your Foreign Ministers. In deciding how much we shall give and how much we shall ask, we must have reasonable grounds to go on, grounds such as shall be acknowledged in Japan at least, and, if possible, universally. And when I look at the demands to be formulated by Japan, I am compelled to ask myself what is the position of the Japanese Judiciary and in what condition are Japanese Laws. England apart, the countries of Europe have written Codes of Law in accordance with which justice is administered, whereas the compilation of the Japanese Codes has only just been com-

pleted and they are not yet in operation. This is one of the points about which Foreign Powers raise the greatest difficulty and are most anxious to obtain guarantees. Not until 1872, was one of the most signal reforms in Japanese modern history effected, namely the complete separation of the Executive and the Judiciary, and not until 1882 were the new Criminal Codes put into force. These Codes were not servile copies of the French, or of the German, yet I think that the principles embodied in them entitle them to rank with high products of Western legislation. They are now in successful operation. Then in 1885 followed the law of the examination of Judges. By this law it was publicly recognized that judicial officers must possess a high standard of learning, and must be able to endure a thorough test of their capacties. We have here a guarantee of considerable value. Then we have the great work of civil codification, which is indeed a signal step of progress and we have also the Law of the Organization of the Courts of Justice, which, in my opinion, deserves to rank as an article of the Constitution. Next there is the Commercial Code, which is to go into operation next year. About this I crave your permission to say a word with reference to a speech delivered by one of your members in this House yesterday. Mr. Suyematsu said that some special reason had probably influenced the Government in respect of the Code. But I hope I need not tell you that the idea of legislating for two or three thousand foreigners who live among us rather than for the 40,000,000 of Japanese people, has never for a moment been entertained by the Government. The Commercial Code was compiled and promulgated solely to meet the needs of this nation, and with no ulterior object whatever. The Constitution too is a most effective guarantee. I allude of course to guarantees given to foreign Governments and foreign nations, and I repeat that among such guarantees the Constitution is of paramount value. This Constitution came into operation last month—and I need scarcely say that the existence of ample reasons for putting it into operation was thoroughly recognised by the Government. From the time of its enforcement all pretext to entertain any mistrust of Japanese laws was removed. I do not say that foreigners previously withheld their confidence from our laws, but I do say that laws passed by the representatives of the nation in the two Houses of the Diet, possess in public opinion a value not attaching to laws enacted under different circumstances, and constitute guarantees worthy of all confidence. The Government is persuaded that the representative institutions of this country, now in force, will be regarded as valuable guarantees by the Treaty Powers. The repeated failures to accomplish Treaty Revision since 1872 may be looked back to with regret, but, on the other hand, we have the progress of Japan to consider. The guarantees furnished by that progress and the increased knowledge which the world now possesses of Japan's condition, warrant us in hoping that the position of this empire will now induce Foreign Powers to treat our proposals with liberality. I am disposed to think, indeed, that the failures made in Treaty Revision have been so many steps in the history of our country's progress. Turning now to the question of what course should be pursued henceforth, our Government finds itself confronted by a consideration of great moment *vis-à-vis* the Treaty Powers. We are bound not to take any step which shall suddenly render nugatory the consideration that our proposals have hitherto received at the hands of the Treaty Powers and the friendly disposition they have displayed towards us. Again, if any attempt were made to suddenly disturb the privileges enjoyed by Foreign Powers under the Treaties, it would be only natural that trouble should arise. Guided by these reflections, the Government is giving its deepest attention to the problem of what steps should be taken and how far we should advance. Let me add a word here. In the early years of the *Meiji* era, whenever any difficulty arose, the Representatives of Foreign Power sused to combine, four or five at a time, and adopt what may almost be called a policy of intimidation (*Kyohaku shudan*) towards Japan. But this is ancient history. We are now treated in a thoroughly friendly manner. I think, then, that all these changes which have come about, constitute ample guarantees. Further, both from an administrative and a legislative point of view, Treaty Revision must be accomplished. Our liberty and right as subjects have their source in the Sovereign, and in order to secure them to us the Constitution has been granted. You all know this without hearing it from me. Now that we possess a Constitutional Government, the independence of the Executive and of the Legislature cannot be questioned in speech or disturbed by act. Yet what has been the fact up to the present time? You know well, gentlemen, and especially do those among you know who have served as judicial officials. I, not an expert in such matters, scarcely venture to speak to you about them, or to offer you detailed proofs of how much that independence is interfered with by the extraterritorial system. But I would direct your attention to the 4th Article of the Constitution where it is stated that "the Emperor is the head of the Empire, combining in Himself the rights of Sovereignty, and exercising them according to the provisions of the Constitution," and I would ask you whether the existence of Extraterritorial Jurisdiction within His Majesty's dominions does not conflict with this Article. I would direct your attention to the 8th Article where it is written that "to maintain public safety or to avert public calamities, the Emperor issues Imperial Ordinances in the place of law when the Imperial Diet is not sitting," and I would ask you whether the existence of Extraterritorial Jurisdiction within His Majesty's dominions does not conflict with this Article. I would direct your attention to the 57th Article, where it is written that "the Judicature shall be exercised by the Courts of Law according to law, in the name of the Emperor," and I would ask you whether the existence of Extraterritorial Jurisdiction within His Majesty's dominions does not conflict with this Article; whether until the Treaties are revised, a conflict does not exist between the legislative and judicial powers created by this Constitution and the exercise of Consular Jurisdiction on Japanese soil. If there is such a conflict, then it follows that at the present moment the free exercise of this Empire's Administrative and Legislative rights is prevented by the acts of a number of independent Powers within our borders. Do not those various Powers possess the status of independence within Japanese territory? Having we not here a number of independent Powers, veritable *imperia in imperio*, their subjects and citizens living upon us or sojourning in our midst? Such a state of affairs proves beyond all question that the Treaties must he revised. On the other hand, as I have already said, the unity of Foreign Powers must not be disturbed, neither must the privileges they enjoy under the Treaties be suddenly taken away. Therefore the Government has opened negotiations, and I think that the policy it intends to pursue will be understood by you if you recall the extracts I have read to you from the newspapers and the explanatory remarks I have added. When, however, you ask me to disclose what is now under deliberation and in negotiation, I find myself in a difficulty. I think that if it were possible for me to answer Mr. Arai's questions fully, to tell you what we have proposed, what answers we have received from the Treaty Powers, and how far their good disposition has been displayed towards us—I think that if I could tell you these things fully, many of you—I do not say all, but many—would be satisfied. But I am not at liberty to speak to you openly as I should to any own colleagues in the Government for the purpose of securing their consent, or as the Cabinet would speak to the Emperor to obtain His Majesty's sanction. A certain journal has been good enough to say that I am between the nether and the upper mill-stones, and truly it well described my position. Those of you who are acquainted with the rules and methods of foreign diplomacy will appreciate this, and I venture to think that if you were all acquainted with those rules you would not have placed me between the mill-stones to-day. The Government is resolved to assert this country's Sovereign rights and to take every possible

step for the promotion of its economic advantage. But, as I have pointed out, extreme measures are to be avoided. We do not believe that they would be for the advantage of the country or of its forty million inhabitants. Short of such measures, the Government is sparing no efforts within the limits of the country's ability to achieve the object of placing the empire's fiscal and judicial affairs on an independent footing. One word with reference to my statement that I am not at liberty to give you full particulars. It is the custom now-a-days to quote precedents from England or America, and with your permission I will read you what Lord Clarendon said in the British Parliament in 1802. (The speaker here read an extract from a speech delivered by Lord Clarendon pointing out that a Minister of the Crown was bound by his duty to his Sovereign to refrain from disclosing the particulars of any affair falling within the scope of the Royal prerogative.) That will explain to you why I am prevented from answering all your questions in full.

DIPLOMATIC BUREAU
JAN 26 1891

DEPARTMENT OF STATE
JAN 20 1891
RECEIVED.

No. 197.

ASSISTANT SECRETARY.
JAN 26 1891

Legation of the United States.
Tokio Japan. December 24. 1890.

Ackd. Jany 9/91 Moore

Mr. Swift:

To the Secretary of State

Subject:

Condition of Affairs in Japan
relative to treaty revising negotiations

No. 198.

Legation of the United States.
Tokio Japan, Dec, 24, 1890.

Hon. James G. Blaine.
Secretary of State.
Washington D.C.

Sir:-

It is impossible to inform you with certainty what is the actual state of the treaty revision negotiations at this time going on at Tokio - between the Representatives of Great Britain and Japan. If, however, I may venture to give you my opinion based upon all I can gather, drawing my own conclusions from such facts as come to my knowledge

knowledge it is that things do not look nearly as promising of results as they did two months ago, and in fact that nothing is being done about the treaties. I am also strongly of the opinion that the cessation of progress is not caused by unwillingness on the part of Great Britain to go on to a conclusion upon agreed lines, but there is just now another period of pronounced hesitation on the part of the Representatives of Japan due, no doubt, to the state of public opinion bearing upon the subject.

It is generally believed in diplomatic circles here, that at the time of the appointment of Ministers

Ministers Goto and Saigo as associate Plenipotentiaries with His Excellency, Viscount Aoki which took place in September last, that a definative agreement had actually been reached between Great Britain and Japan and that Mr. Fraser had received telegraphic instructions from Lord Salisbury to sign the treaty substantially upon the lines of Viscount Aoki's paper of February 8, 1890.

The appointment of Counts Goto and Saigo was not made for the purpose of inaugurating or pushing negotiations but merely to close up and perfect a transaction already agreed upon by the full Cabinet of which the three Plenipotentiaries were

were all numbers, and to which Great Britain was known to have assented. It is now believed that Mr. Fraser instead of finding his treaty signed, as he fully expected each day, has, ever since, been waiting and wondering when the matter would be consummated. It was, probably, the intention of the Cabinet to sign and conclude the treaty before the meeting of the Diet. The outburst of angry protestations produced amongst the Japanese by the action of the foreign merchants of Yokohama on the 11th of September last, seemed for the moment to strengthen the hands of

H. I. J. M's. Government in its purpose of completing the treaty on projected lines. But as time passed and the meeting of the Diet drew near the spirit died out and for some reason, not understood, the supposed purpose was changed. Mr Fraser was put off by various excuses till finally, on the 25. of November, the new Legislative body met and still no treaty had been signed leaving Sir Britannia Majesty's Minister waiting and wishing. The whole aspect of things seems changed. The various Ministers of His Imperial Japanese Majesty's Government, including

including His Excellency the Minister for Foreign Affairs, are being called before the Lower House or popular branch of the Legislature by resolutions and interpellated literally with showers of questions on all sorts of subjects, including the condition, progress and purport of treaty negotiations down to the minutest details. It is impossible in the nature of things that any treaty negotiations can go on or any serious business be inaugurated or carried out by the Government while under fire in the way this Government is just now. It seems to be rather a question of the Existence of the Cabinet as now Constituted

constituted, than of any important work for it to bring out or perfect.

A most notable change in the outlook, consequent apparently upon the meeting of the Diet, is the sudden disposition to bring to the front the question of a recovery of the Nations tariff autonomy. In my dispatches, commencing almost with my arrival in Japan, I have expressed to you my constant surprise at a policy which deliberately subordinated so important a matter as that of seriously hampering the Government in the development of its legitimate revenue, to the relatively

relatively insignificant affair of the partial Exemption of a few hundred resident-foreigners from being tried for crime by Japanese Consuls; which privilege beyond the irritation to the more Emotional individuals living in their immediate vicinity, could not have the slightest injurious Effect upon the welfare of any one of the forty millions of Japanese, and which, in fact, is almost unknown to the great mass of them. X

For reasons too obvious to require pointing out the Government of Japan is in special need of the largest revenue she can raise

raise from the resources of the country. Japan is trying to make up suddenly for some centuries of backwardness; she wants to be an enlightened state with the least possible delay, and almost every thing needed by an enlightened state has to be created. She lacks and must have as quick as can be made — representative Legislatures, Courts of law and all the appliances of civil government as western and consequently, as complex and expensive models. She wants armies and navies, and their equipment, of the most approved style. She wants schools to educate her people

people, railroads to convey them about and telegraph lines for quick communication and machinery to help out her labor. To supply these wants she is much in need of money.

By far the most convenient, elastic and fruitful source of revenue, of modern times, among civilized states, in the shape of taxes upon foreign trade, is either wholly denied to this country or is so hampered as to prove rather an injury to the general welfare of the people than a benefit.

By a treaty that Japan was led to make through her ignorance

of

of modern conditions, all goods, from the illuminating oil of the poor to the sparkling champagne of the rich, pass the frontier on the payment of the same uniform duty of 5% ad valorem.

Until just now, when the matter was discussed, so universally was this hardship ignored and the question of Extra-territoriality paraded to the world as the capital injustice which western Powers were forcing upon Japan, that I actually came to believe that the Japanese themselves were blind to the fiscal

fiscal injury they were suffering under and that to them sentimental grievances were every thing and material ones nothing.

It now seems that I had not entirely understood them. The Dit appears likely to have something to say on the matter of the fiscal rights of Japan and that a claim to get rid of treaty made tariffs will be brought forward with more or less energy.

I have the honor to be

Sir.

Your obedient servant.

John Jr. Swift